

JAN 21 2020

NO. \_\_\_\_ Civil Action No. 3:17-cv-00072-NKM \_\_\_\_

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

PETITIONER:

ELIZABETH SINES, et al

DEFENDANT:

CHRISTOPHER CANTWELL

IN THE DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF  
VIRGINIA

Charlottesville  
Division

## Objection to Plaintiffs' Motion for Evidentiary Sanctions

### Preliminary Statement

*"If you could go back in time and kill baby Hitler, would you? Hell yeah, I would."*

*~ 2016 Republican Presidential Candidate, Jeb Bush*

Plaintiffs have moved this Court to infer from Defendant Kline's non-compliance with their discovery demands, that he holds, or has destroyed, evidence proving the conspiracy theory upon which this case rests. Were the court to grant such a request, it would be the only evidence to this effect. Evidence of such brazen falsehoods, would otherwise be profoundly difficult to come by. Indeed, after years of abusing this Court, and a profoundly intrusive discovery process, Plaintiffs have not produced a shred of evidence to prove their case. The desperation of subsequent filings, such as the meritless motion to enjoin Defendant Cantwell, evince their warranted dread, that this fraud upon the Court will imminently be discovered, and that some portion of their enviable war chest, will be handed over to Defendants in compensation for this abuse.

Defendant Cantwell, compelled by circumstance to represent himself pro se, is not capable of making a legal argument. This is not for lack of trying, nor of dedication to task. Cantwell took an interest in law more than a decade ago, but found what

Cantwell perceived as substantial variance between its text and its practice. In large part, this drives Cantwell's activism and media aspirations.

Accordingly, Cantwell instead appeals to this Court's reason, Justice, and love of truth. The facts and evidence are 100% in favor of Defendants, and if considered honestly, Plaintiffs and their counsel will be sanctioned by this Court, Defendants will be compensated for these abuses and deceptions, and this lawsuit will be dismissed well prior to the politically opportune trial date, currently set to crescendo this calumny as voters pick the next President of the United States.

Were Plaintiffs to move the Court to infer from Kline's non-compliance, that Kline conspired with Martin Luther King Jr., to assassinate J Edgar Hoover, on the orders of Mao Zedong, surely the Court would not require the expertise of an attorney to see this as ridiculous. Such a request would be dismissed without much in the way of argument, because Courts interested in facts and Justice do not operate on assumptions which are contradicted by readily available evidence.

The matter before this court is of identical merit, as is exhaustively shown below and in attached exhibits. The day Courts in the United States find themselves engaged in such practices, all involved had best dust off our passports, and seek greener pastures.

Accordingly, Defendant Cantwell moves that the court carefully consider the supplied evidence, and upon realizing the stunning clarity of the truth before us, deny Plaintiffs' motion for evidentiary sanctions. Further, Cantwell moves that this suit be dismissed with prejudice, or at least, that he be dismissed from it. Additionally, Cantwell moves that the Plaintiffs be made to pay reasonable attorneys' fees, and that additional compensation as the Court deems fit, be made to Defendants at Plaintiffs' expense, for the trouble this calumny has wrought on their lives.

Short of this, it may be a more reasonable measure to enter a verdict of Default against Kline. Finding that Kline has destroyed evidence which helps the Plaintiffs case is not supported by any evidence other than Kline's non-compliance. There are ample other explanations for Kline's non-compliance, and in the following paragraphs it will be exhaustively shown that the Plaintiffs in his case have maliciously and willfully deceived this Court, and conspired to do so well in advance.

As to what actually happened in Charlottesville in August of 2017, we are fortunate to have an abundance of evidence, none of which favors the Plaintiffs in this case. The Plaintiffs themselves, as well as their counsel, are no strangers to these facts, nor their proofs. In this document, we will describe the most egregious examples of Plaintiffs' bad faith, and in the supplied memorandum, these proofs will be exhaustively detailed.

This lawsuit was filed maliciously, and has relied entirely upon material deceptions perpetrated against this Court to accomplish its nefarious purposes. The Plaintiffs, their counsel, and their financiers, have made no secret of their true intent, namely to bankrupt, slander, harass, and spy on Defendants. They have even gone so far as to brag about their success in this pursuit, to their allies in the media, and online.

The Plaintiffs have no intention of collecting money from this suit. Roberta Kaplan said as much to the Jewish Telegraphic Agency. Short of some slim hope that they might so prejudice a jury, that such jurors would ignore the facts, they have no plans of so much as a verdict in their favor. The goal, which has been accomplished already, and would still be accomplished even if the suit was (as it should be) dismissed today, was entirely political, and ideological.

Kaplan bragged to the JTA that the Plaintiffs' investigation has obtained "reams of information" on the Defendants, and the wording there is key. Not "evidence", but rather "information". They have obtained plenty of useful material, in the sense that they have managed to spy on their critics and political opponents, but they have obtained absolutely nothing which proves the lie perpetrated upon this Court.

If the Plaintiffs had obtained reams of "evidence", they would be presenting that in their motion for evidentiary sanctions. Instead, they are only providing evidence of Kline's non-compliance, and hoping this will suffice in their search to obtain through abuse of process, that which is unsupported by fact.

On January 15<sup>th</sup>, Plaintiffs sent a of intent of to issue a subpoena to the providers of the Signal messaging application. Signal is an encrypted messaging application whose entire purpose is to provide end to end encrypted communications, which the provider itself is incapable of reading, much less turning over to an espionage operation parading as civil litigation. The Plaintiffs know this, because the Plaintiffs themselves use the application. The entire point of issuing this subpoena is to construct the false narrative, that the evidence of their lies is hiding beyond their grasp.

After Plaintiffs had already imaged Cantwell's phone, obtained access to his Google account, and others, and none of this produced evidence of their lies, Plaintiffs demanded access to Cantwell's ProtonMail encrypted email account. This account was not created until March of 2018, and could not possibly contain any of the information they purport to be seeking. Plaintiffs also demanded access to Cantwells Twitter account, which was banned before the rally had even been conceived of, in November of 2016.

Like everything else in this case, these were purely part of a fishing expedition. They never had any expectation of finding evidence of their lies. They only hoped to find information to use for other unlawful purposes.

Knowing this, one can more easily understand Kline's failure to comply, even without providing legal justification therefore. While Kline could not produce evidence favoring the Plaintiffs if he wanted to, he almost certainly has evidence which could identify people whose lives would be unjustly destroyed, by discovery of their connections to the Events here in Dispute. A recent order by Judge Moon regarding Kline's discovery, will almost certainly produce exactly this result.

The Defendants in this case are the subjects of no sane man's envy. If the Plaintiffs would raise and spend \$10,000,000 to ruin the life of a bankrupt podcaster such as Defendant Cantwell, there is surely no limit to the depravity of the acts they would engage in to harm someone of greater prominence.

One man, named Andrew Dobson, who was identified by Plaintiffs' co-conspirators, committed suicide as his life was torn apart by their vicious slander. Mr. Dobson's crimes included being filmed on the evening of August 11<sup>th</sup> at UVA, talking with a police officer after Plaintiffs' premeditated assault had been thwarted. On August 12<sup>th</sup>, he was filmed shouting to counter protesters "I forgive you". This Christian forgiveness was clearly unrequited, though perhaps that is only because Mr. Dobson did nothing requiring forgiveness.

Defendant Cantwell has been made destitute by this same pattern of malign activity. Not only this, but rarely has a month gone by without some communication between him and law enforcement. Threats, false reports to authorities, and high tech sabotage, have all plagued his existence since that historic weekend of which we speak. Cantwell faced 60 years in prison as a result of two such false reports. Yet, unlike the men he shared a cell block with, Cantwell writes today from his home in New Hampshire, because, much like this lawsuit, scrutiny of the facts proved an insurmountable challenge for the prosecution.

In their filings seeking sanctions against Kline, Plaintiffs notably referenced Cantwell's response to their meritless motion for sanctions against him. In this, Cantwell noted that other Defendants had brushed off these proceedings, and had chosen instead to default. Cantwell noted that "perhaps they will be proven to have had the better idea" and Plaintiffs cited this as cause to sanction Kline.

An astute observation, which would have made more sense in prior years. Kline watched other Defendants default, and thereby avoid the prying and malicious eyes of their political opponents, through this unjustifiably intrusive discovery process. Kline, seeing this example, had every reason to believe he could similarly avoid this intrusion. It was only through the "magical effect" of being threatened with arrest, that Kline realized such an opportunity was not available to him.

Absent some other proof of Plaintiffs' conspiracy theory, these are the only reasonable inferences which one can make of Kline's non-compliance.

Thus we are compelled to ask: What evidence has been provided thus far? In a word, none.

In no less than 38 paragraphs of Plaintiffs' Second Amended Complaint, references are made to unnamed and pseudonymous "participants" and "co-conspirators" making what could accurately be described as edgy jokes or tasteless statements, on Discord. A cartoonish advertisement for a fictional product, and a crude drawing of Defendant Heimbach, as noteworthy examples.

Even though none of these things are actually incriminating, they should be dismissed outright, or at least, heavily discounted, since Plaintiffs only know about these utterances due to their associates having infiltrated those "secret" communications channels. The only way this infiltration could have taken place, is by deceiving the Defendants, since the Discord server was not open to the public.

These infiltrators are liars, and they brag about their deceptions quite openly and proudly. They view their dishonesty as being warranted by their perceived outcome of Defendants political agenda being brought into action through the State, should they obtain political power. They view this outcome as inevitable if Defendants are allowed to speak in public, and have openly vowed to do literally anything, including breaking the law, to prevent them from exercising these rights.

Would these liars say incriminating things, posing undercover as associates of the Defendants, on that communications channel, and credit those utterances to Defendants? Of course, they would, and certainly did. They believe they are preventing a Holocaust, and consider nothing beneath their dignity in this pursuit. If pro-life 2016 Republican Presidential Candidate Jeb Bush would murder an infant Hitler, what might avowed communists do to living "fascists" today?

One might describe Kline and Kessler as derelict in their duties as moderators for not removing these utterances, but this hardly constitutes evidence of a conspiracy to racial terrorism. Especially when almost none of these statements can be attributed to a Defendant.

As further proof, Plaintiffs cite false allegations made against Defendant Cantwell by Emily Gorcenski and Kristopher Goad. Cantwell was charged with two counts of malicious injury by caustic agent or explosive, and one count of malicious release of gasses, subjecting him to a maximum sentence of 60 years in prison. Cantwell served 107 days in the Albemarle Charlottesville Regional Jail, before being released for lack of probable cause on the charges of injury, following a preliminary hearing.

The Honorable William G. Barkley, of the Albemarle County General District Court said of this "The only verbal communication between Mr. Cantwell and Ms. Gorcenski for the entire day was when she approached him at No Name Field and asked him about an incident at Walmart. Other than **there is no evidence that Mr.**

Cantwell did or said anything to Ms. Gorcenski.” – and – “Mr. Goad is no longer certain that the direct deployment of gel pepper spray as he describes in his complaint resulted from action by Mr. Cantwell.”

Since Albemarle County Commonwealth’s Attorney Robert Tracci accurately predicted this would result in his loss of the next election, Cantwell was nonetheless later direct indicted on a second count of malicious release. Wisely, however, rather than expose his subornation of perjury at trial, Tracci made Cantwell an offer he couldn’t refuse. Cantwell pleaded guilty to two misdemeanors, and was home the same day, in July of 2018. Following this plea agreement, Cantwell, Gorcenski, and Goad, all signed mutual releases of all claims, in order to conclude a malicious prosecution lawsuit brought by Cantwell. Accordingly, Goad and Gorcenski are not party to this suit.

These are the “overt acts of violence” referenced in Judge Moon’s decision not to dismiss Cantwell from this suit. False allegations, by persons who are not party to this suit, and who have already signed a release with Cantwell, to avoid liability for their perjury.

Resting on this fabricated and false evidence, Plaintiffs exhaustively detail Defendants’ travel arrangements, fundraising efforts, and communications with one another, as though it would be some kind of challenge to show that Plaintiffs did the same exact things, and far worse.

Then, in the words of Democrat Presidential Candidate Joe Biden, “A violent clash ensued”.

Without any clear connection between these things, Plaintiffs have materially deceived this Court by asserting these perfectly normal and legal activities constitute a criminal conspiracy to violently oppress Jews and other non-Whites.

Their only other evidence of this connection, is that which they do not know. Hence the request for evidentiary sanctions against Kline.

Defendants are fortunate to have an abundance of evidence evincing a contrary conspiracy. Not in theory, like that posed by the Plaintiffs, but in fact. The Plaintiffs have not only deceived this Court, they have attempted to invert the truth. The Plaintiffs conspired to unlawfully attack the Defendants, then sued the victims of their assault for defending themselves.

Defendants do not require subpoenas and intrusive discovery means to show this. We have video, and admissions by the Plaintiffs themselves, made in public.

As the Plaintiffs asserted in Paragraph 4 of their Second Amended Complaint that *“There is one thing about this case that should be made crystal-clear at the outset -- the violence in Charlottesville was no accident.”*



This is one of the truest things ever stated, albeit in furtherance of a larger deception.

### Proof of Plaintiffs' Bad Faith

#### The Planning Meeting

The timeline of deceptions involved in this case begins much earlier, but the clearest evidence of the Plaintiffs' malicious efforts to deceive the Court, can be found in Paragraph 65 of Plaintiffs' Second Amended Complaint. Here the Plaintiffs claim "*Defendants Ray, Cantwell, and Mosley and co-conspirator David Duke attended another in-person meeting on August 11 to plan and direct the unlawful acts of violence, intimidation, and the denial of equal protection of law.*"

There's one major problem with this theory. We have video of that meeting, and the Plaintiffs saw it well prior to submitting their Second Amended Complaint.

The video was not obtained through espionage or subpoena. It was not recorded by an infiltrator, government agent, or security camera. It was recorded by Cantwell, with the consent of all present, and it was provided to Plaintiffs voluntarily, on April 4<sup>th</sup> of 2018.

Without even viewing the video, a reasonable person ought to be able to assess from this fact alone, that nothing of the sort alleged by the Plaintiffs took place at the meeting.

**Why would Cantwell record evidence of a violent criminal conspiracy, preserve it for months, and hand it over to his tormenters voluntarily, when nobody except him knew he had it in his possession?**

**Why would the Plaintiffs not be citing this video in their motion for evidentiary sanctions against Kline?**

It certainly is not because they are unaware of its contents.

On or about May 3rd 2018, Attorney Kolenich relayed to Cantwell that Plaintiffs believed Cantwell was still withholding relevant video. Cantwell subsequently mailed a thumb drive to Kolenich with the remaining body camera videos, which consisted of absolutely nothing even remotely interesting.

One video contained mere seconds of Cantwell and Kessler meeting for the first time on August 9th, before the battery on the camera dies. No violent conspiracy is hatched between the two strangers, as is comically alleged in Paragraph 64.

Another video catches Cantwell clothes shopping at Marshalls, by himself, to test the camera.

The body camera video of the meeting is just under 114 minutes in length. It captures Cantwell driving to, and from, the park. It captures meeting participants consenting to the recording. It is timestamped in one second increments at the bottom right hand corner. The sun set during the meeting, further confirming the accuracy of the timestamp.

There can be no dispute that this video completely and accurately captures the entirety of the meeting described in Paragraph 65.

The fact that the Plaintiffs claimed Cantwell had not turned over all of his video, is proof that Plaintiffs' counsel had seen the video of the August 11th meeting described in Paragraph 65, before they demanded to see the test videos of Cantwell going clothes shopping, the next month.

**They cannot claim to have been unaware of what happens on that video, prior to submitting their Second Amended Complaint.**

What the video actually captures, is the Defendants in fear for their safety after learning that the details of the August 11th UVA torchlit march had been leaked to ItsGoingDown.org, an online distribution hub for violent communist propaganda.

Since Cantwell was not aware of a permit for the UVA event, he asks Kessler if law enforcement has been notified of the plan. When Kessler says no, Cantwell says he will not participate in the event unless law enforcement is involved, citing the notorious terrorism of Plaintiffs and their Antifa co-conspirators, as well as their efforts to frame him for brandishing earlier that very day.

Kessler says he has a contact with the police department, and will ask them to protect the demonstration. All in attendance agreed that they should call off the event if the police will not prevent violence by Plaintiffs and their co-conspirators.

At approximately 55 minutes into the body camera video of the meeting, Defendant Kline announces that he just got off the phone with the police.

Quoting Kline;

*"Alright, I just got off the phone with the police. **They're going to be protecting us and letting us do this torch light march tonight.** They're going to be sending almost all of their police officers that they have on duty, and getting some people for overtime. Having them all basically stand on the outside of us, and basically, try to stay there in case counter protesters show up. If counter protesters do show up, essentially, what I explained to her, I explained to her our plan, and she essentially said that if they see, like a bloc, like a black bloc, or whatever, coming towards us, the police are going to move in to stop it, before it comes up on us. Okay? So we should be okay."*



Yet, in Paragraph 148 of the Second Amended Complaint, Plaintiffs assert “*While planning their torchlight march, Defendants were aware of the fact that open fires are illegal on UV A's campus without authorization.*”

“*They’re going to be protecting us and letting us do this torch light march tonight*” - sounds like authorization to me...

Knowing all of this, Plaintiffs still submitted their Second Amended Complaint with the obvious lie that Defendants “took no steps to prevent” violence, no less than five times.

- In Paragraph 97 Plaintiffs allege “Defendants took no steps to prevent any violence.”
- In Paragraph 175 Plaintiffs allege “These acts of violence were not isolated or unplanned incidents. The torch rally was planned with the specific intent of engaging in racially-motivated violence, threats, intimidation, and harassment. The attacks upon the students were coordinated both in advance and on the day that they occurred.”
- In Paragraph 192 Plaintiffs again allege “Defendants took no steps to prevent, or aid in preventing, the intimidating, threatening, and otherwise illegal conduct they knew was being planned and coordinated.”
- In Paragraph 232 Plaintiffs once again allege “Defendants took no steps to prevent, or aid in preventing, the violent actions that they knew was being planned.”
- In Paragraph 349 Plaintiffs once again allege “The failure of Defendants to take any steps to aid in preventing the actions described herein, by informing the lawful authorities or otherwise, violated the command of 42 U.S.C. § 1986.

Each time they said this, they knowingly lied to this Court.

“Qu...otes”

In Paragraph 150 of Plaintiffs’ Second Amended Complaint, Plaintiffs state;

“*On the morning of August 11, Cantwell and other co-conspirators gathered at a Walmart outside of Charlottesville. Cantwell then traveled to McIntyre Park to prepare for the evening. In an interview with a reporter from Vice, Cantwell said ‘I’m trying to make myself more capable of violence ... I’m here to spread ideas, talk, in the hopes that somebody more capable will come along and do that’*”

This "quote" is actually two parts of two completely different parts of an interview roughly 30 minutes apart from one another, and in no way materially related to one another. Though the Vice News footage was heavily, deceptively, and maliciously edited, even those monsters cared more for their credibility than to try and connect the two completely different statements.

Cantwell publicly published the full audio of his Vice News interview to his website on August 14<sup>th</sup> of 2017. Since Plaintiffs' co-conspirators purchased paying memberships to Cantwell's website prior to August 9<sup>th</sup> of 2017, it is implausible that they did not know about this audio prior to filing the initial complaint, and they have certainly had it since no later than April 4<sup>th</sup> of 2018 from Cantwell's voluntary disclosure during discovery.

The first quote begins at the 33 minute mark of the audio.

Cantwell, speaking of Black Lives Matter, says:

*"I'm a guy who understands that there's problems with law enforcement as an institution, and I'm really interested in seeing those problems solved, but you can't solve them by distracting from the fact, by blaming it on race, and acting like cops are out hunting negros for sport. It's obnoxious!"*

*And so, that started to make me realize, you know, there's a racial conflict going on. These people are starting riots, they're burning down pizzerias and pharmacies and blowing people's brains out at their protests, talking about they've got a first amendment right to do so. And I started to realize, you know, whatever problems I might have with my fellow White people, they generally are not included to such behavior, and you gotta kinda take that into consideration when you're thinking about out how to organize your society."*

Reeve: *"They're not inclined to such behavior?"*

Cantwell: *"The last time I saw a bunch of White people riot because an armed robber got shot? Been awhile, let's say."*

Reeve: *"I mean, Oklahoma City"*

Cantwell: *"Okay so exactly, you have to go back to Oklahoma City to talk about a White act of terrorism, right?"*

Reeve: *"Elliot Roger, Dylann Roof"*

Cantwell: *"Okay, so now you've managed to name three people, and I'm pretty sure Elliot Roger wasn't explicitly White by the way. But like, literally, you remember the names of White bombers and mass shooters. Okay? Can you tell me the names of all 19 hijackers on 9/11, off the top of your head? Of course you can't. You can't"*

*tell me the names of the last dozen people to blow themselves up in Europe. Because it happens all the time.*

*You can remember Dylann Roof's name, you can remember Tim McVeigh's name--*

Reeve: *"You were asking whether White people were capable of violence"*

Cantwell: *"I didn't say capable. Of course we're capable. I'm carrying a pistol. I go to the gym all the time. I'm trying to make myself more capable of violence. We conquered the entire planet. We built the most powerful militaries in the history of mankind. It's the inclinations and aptitudes, right? When White people want to kill people, they go and join the [expletive] military, right?"*

Clearly, Defendant Cantwell is talking about a general capacity for violence in a wholly lawful sense. He references his licensed pistol, which he trains with at the firing range. He references his exercise regimen, which necessarily makes him a more formidable opponent in a physical altercation, try though he may to avoid them. He specifically references the wholly lawful and honorable example of joining the military, and in particular the well documented military prowess of majority White Nations, throughout the history of mankind.

Roughly 30 minutes later, Cantwell says;

Cantwell: *"I am not under the impression that I, personally, am going to save my Race & Nation. Okay? I'm here to spread ideas, talk, and frankly enjoy myself, in the hopes that somebody more capable will come along and do that. Somebody like Donald Trump, who does not give his daughter to a Jew"*

Reeve: *"So Donald Trump, but like, more racist"*

Cantwell: *"Yeah. More racist, a lot more racist than Donald Trump. I think that Donald Trump is telling the truth when he says 'I'm the least racist person around'. I don't think that you could feel about race the way I do, and watch that Kushner bastard walk around with that beautiful girl. Okay? So, yeah, I think somebody a lot more racist than Donald Trump, hopefully, you know, somebody with ten billion dollars in the bank decides to download the Radical Agenda, and I think you're going to see the world change, fast."*

On a completely different subject now, Cantwell is talking about someone like the President of the United States coming to power, who would thereby necessarily be far more capable than Defendant Cantwell, but is more in line with Cantwell's views than our current President. There is no violence here referenced, save for the coercive power inherent in any political entity.

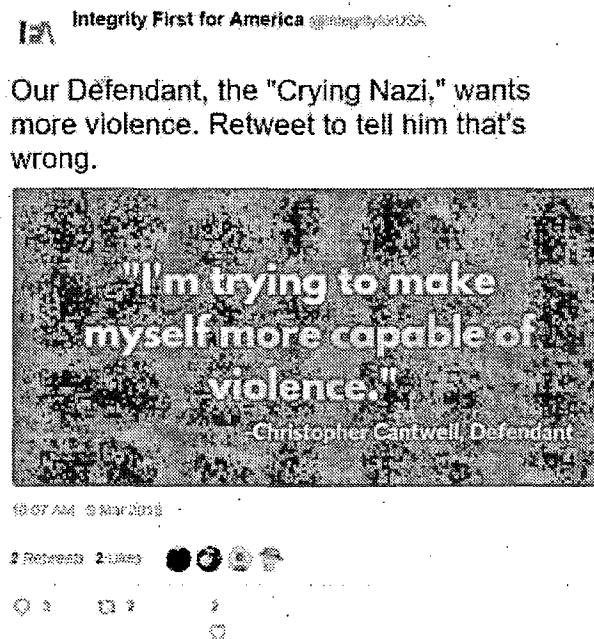
And of course, that is precisely why the Plaintiffs have abused this court. To shut Defendant Cantwell up, because this outcome is precisely what they are afraid of. Defendant Cantwell is an extraordinarily talented linguist, and if given the opportunity to fully participate in our discourse, he will impact the political outcomes in ways profoundly unfavorable to Plaintiffs.

Plaintiffs deceptively stripped context, and then pieced these two completely different subjects together for the purposes of maliciously and materially deceiving this Court, so as to cause the maximum possible harm to Defendant Cantwell.

This "quote" was cited in Judge Moon's denial of Defendant Cantwell's motion to dismiss, as he stated in his decision "On the morning of the 11th, he told a reporter that he was 'trying to make [himself] more capable of violence.'"

By materially deceiving this Court, Plaintiffs necessarily impacted Judge Moon's thought process, and potentially, the outcome of that decision.

This "quote" is oft cited, not only in this abuse of our Courts, but in Plaintiffs' fundraising efforts, and humorously, in their motion to enjoin.



The willingness of Plaintiffs' financiers to deceive the public, for attention on social media, and financial gain, provides strong evidence of their ulterior motives for pursuing this lawsuit.

This "quote" being used as the strongest evidence of their conspiracy theory, also provides compelling evidence that the Plaintiffs never had any expectation of

winning this suit. Plaintiffs and their counsel had to know this would be exposed at some point, and they have continued relying on this deception to date, only so they could obtain information through discovery, and inflict maximum damage on their critics and political opposition.

In Paragraph 106 of the Second Amended Complaint, Plaintiffs stated "*Defendant Cantwell expressly "encourage[d]" Radical Agenda followers "to carry a concealed firearm."*"

Plaintiffs' creative use of quotation marks, again evinces their fondness for deceiving this Court, and the extremely thin basis for their outlandish allegations. This strained "quote" is from a blog post titled "Unite The Right Updates" which was posted to Cantwell's website on August 8th and updated on August 9th.

Below, is a larger snippet from the August 9th update, to show the court how dishonest this was.

*"The Daily Stormer has issued a call for people to show up, permit or none, and given some advise [sic] on what to bring and what not to bring. Their advice is to leave your firearms at home, and if you must bring a firearm, please conceal it.*

*Many of you have asked about meeting up with me personally. Since the main event is likely to be chaotic, we might have trouble catching up at the main event. I am working on coordinating a meetup for Radical Agenda listeners on Friday, but I have to be careful about how the details are announced. Sadly, anything I say to you here, I also say to the media, communists, and other criminal elements. **For this event, I encourage those with the legal authority, to carry a concealed firearm. Open carry will draw more unnecessary attention to us, so if you do not have a license to carry, please secure your firearms elsewhere and let us worry about defense.***"

Defendant Cantwell calls the Court's attention to his concern for obedience to the law, and warning to his audience against provocative, though perfectly legal, open carry displays of firearms at this event. Pertinent details conspicuously absent from the Plaintiffs' creative use of quotation marks.

Also conspicuously absent is any mention that Cantwell was providing this advice to readers of his website for "this event" in reference to the Radical Agenda Listeners' Meetup, at which no violence ensued, despite the best efforts of Plaintiffs' co-conspirators.

Plaintiffs' have attempted to materially deceive this Court by making the implication that Cantwell had encouraged "Radical Agenda followers" as opposed to "those with the legal authority" to conceal their firearms, at the events in dispute, rather than at a wholly separate event, at which no crime is alleged in the complaint.

This "quote" was cited in Judge Moon's denial of Defendant Cantwell's motion to dismiss, when he stated "He used his various platforms to 'advise[] rallygoers on bringing weapons.'"

This willful, and malicious, material deception perpetrated upon the Court, surely played a substantial role in Judge Moon's decision-making process, and potentially, the outcome of the motion to dismiss.

Plaintiffs had to know this would come out at trial, and perpetrated this deception so as to cost Defendant Cantwell the expense of attorneys' fees, time, emotional distress of this process, and especially to hinder his ability to participate in American political discourse.

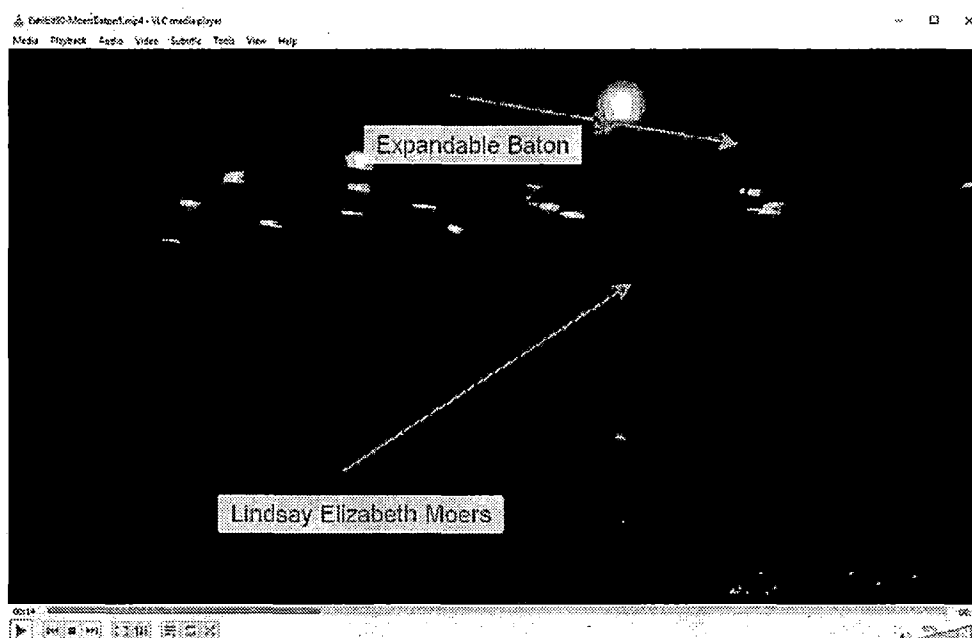
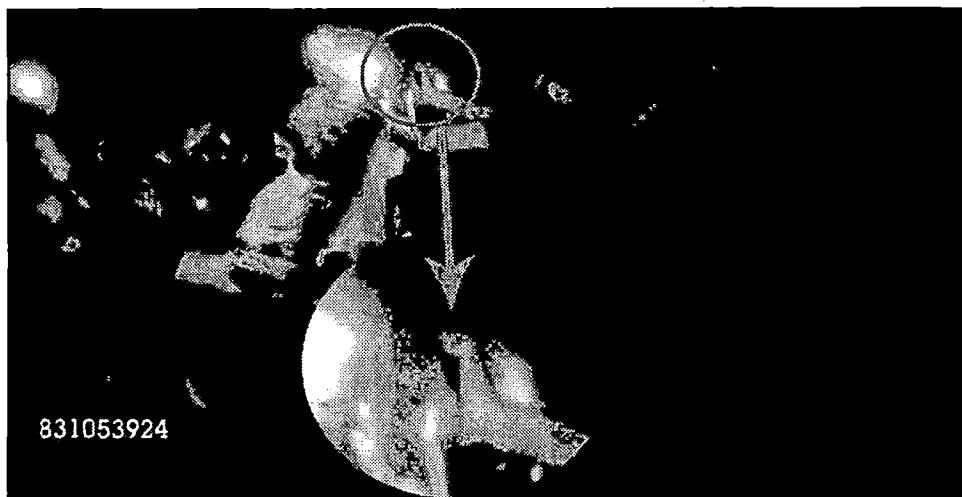
#### Students and Community Members

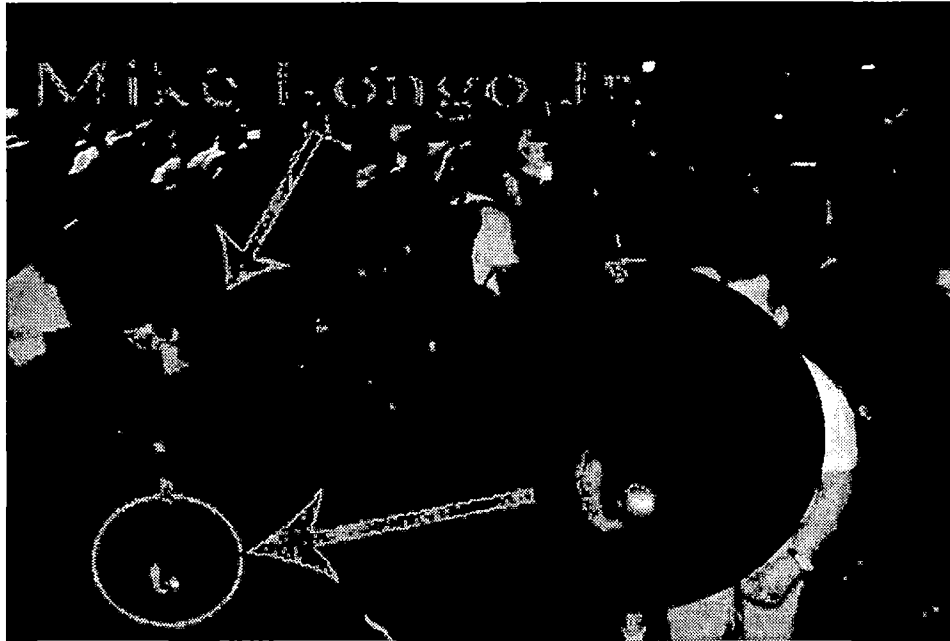
Plaintiffs have materially deceived this Court by claiming in Paragraph 163 of the second amended complaint that "*Hundreds of neo-Nazis and white supremacists, including Defendants Kessler and Spencer, charged toward a small group of fewer than 30 people, mostly students and community members,*"

In fact, Defendants encountered a mob consisting largely of violent criminals. These violent criminals came from far and near, most notably, from Philadelphia. These criminals came armed with expandable batons, pepper spray, and even firearms, despite the fact that UVA is a gun free zone.







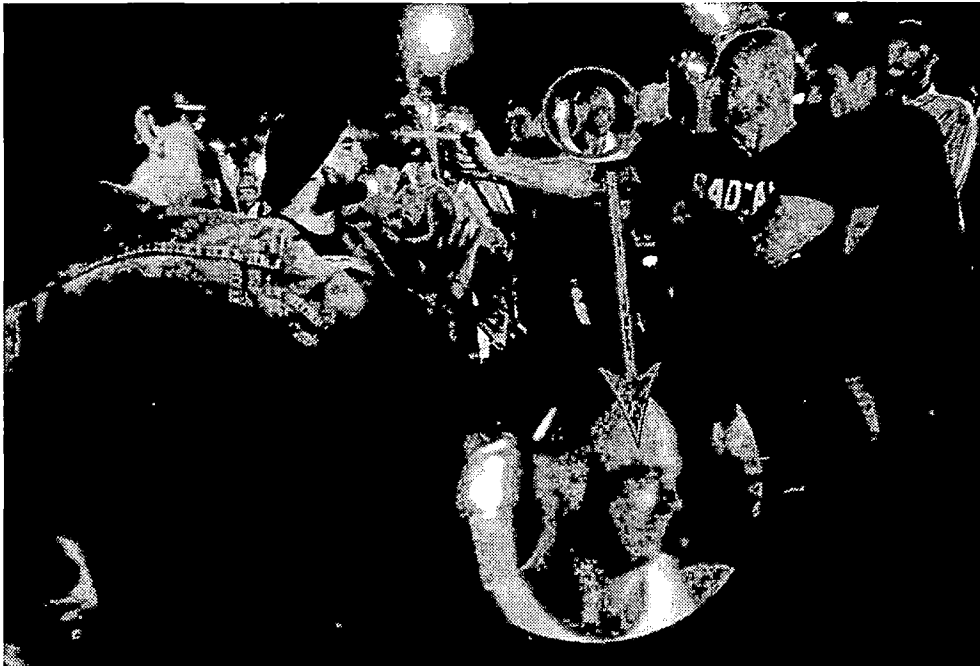


Among them were Thomas Massey, Thomas Keenan, Mike Longo Jr., Lindsay Elizabeth Moers, and Paul Minton. All of Philadelphia.

Thomas Massey struck first. Plaintiffs are entirely too well aware of this fact, because it was captured on multiple angles of video, and it was stated as fact in the Hunton & Williams report commissioned by the City of Charlottesville, and carried out by former federal prosecutor Tim Heaphy.

Heaphy described Massey's attack as follows: "*When the torch bearing marchers arrived, confrontations ensued, as the counter-protesters exchanged taunts with march participants. On at least one occasion, a counter-protester attempted to knock down a torch, resulting in a physical altercation.*"

Moments later, Massey attacked a second individual in a gang assault, and this assault is what prompted Cantwell to deploy his pepper spray. It was a purely defensive act, as can be seen in multiple angles of video, and even in the much talked about photo taken by a reporter. Though media and the Plaintiffs have acted as though Cantwell started pepper spraying people for no reason, a head injury Plaintiffs' co-conspirators caused in the assault can be seen when taking a closer look.



Massey continued fighting the next day, on August 12th. Massey struck people with clubs and fists, and he deployed pepper spray at innocent rallygoers. Massey changed clothes several times to conceal his appearance, but his size, facial features, and backpack, betray his identity in multiple videos.

This was not Massey's first rodeo. He was arrested for rioting at the inauguration of President Donald Trump, in Washington, DC. He was not shy about it either. He even gave an interview to the Washington Post, which the reporter described as follows;

*"I think there should have been more violence yesterday," said Massey, who was among those arrested. Asked if he participated in the violence, Massey replied, "There were some rocks thrown." He said that he hopes next time, demonstrations will be "more successful. I'll get to punch a Nazi. I didn't get to do that yesterday. The police stopped me."*

Massey got his wish in Charlottesville in August 2017.

But he hadn't had enough. Undeterred by the mayhem of Charlottesville, Massey would later go on to beat and rob two United States Marines in Philadelphia. He was charged with criminal conspiracy, aggravated assault, and theft for that case, along with co-conspirators Thomas Keenan, and Jose "Chepe" Alcott.

Thomas Keenan was also present at UVA on August 11<sup>th</sup> and at the events of August 12<sup>th</sup> 2017.

Thomas Keenan joined Massey's gang assault, and is caught on video swinging at rallygoers throughout the brawl.

On August 12th, Keenan was equally undeterred by the previous evening's violence, because that is what he came there for. Keenan is caught on camera committing numerous acts of unprovoked violence. Like Massey, he changes clothes between assaults, in an unsuccessful attempt to conceal his crimes.

This was not Keenan's first rodeo either. He had been arrested as far back as 2007 for smashing the windows out of a vehicle that turned out to be occupied by FBI agents. Charges against each criminal consisted of 4 felony and 6 misdemeanor counts. These would later be reduced, seemingly in an effort to protect the identities of confidential informants.

Keenan could not wait a whole decade to get involved in more politically motivated criminal violence. He was arrested again in 2011 for fighting outside a New Jersey Hotel, and hospitalizing two members of the National Socialist Movement. His co-conspirator in that case was violent communist, Jose "Chepe" Alcott.

And of course, as mentioned in our description of Thomas Massey, the premeditated assault on Defendants' demonstration was not the last such criminal activity for Tom Keenan. He, Massey, and Alcott, would again go on to do to two United States Marines, precisely what they attempted to do to Cantwell and his associates

Mike Longo Jr. is a member of Philly Antifa, and pepper spray enthusiast. Longo stalked Cantwell all weekend during the events in dispute, showing up at the Radical Agenda Listeners' Meetup at Walmart, then at the UVA campus the evening of August 11th, and then pepper sprayed Cantwell and other rallygoers in August 12th in and near Lee Park. Plaintiffs' and their counsel are well aware of these facts, and have been for over a year.

Lindsay Elizabeth Moers is also a member of Philly Antifa. Moers brought more than one expandable baton to use as a weapon during the events here in dispute. Moers used this to attack multiple rallygoers at UVA on August 11<sup>th</sup>, and on August 12<sup>th</sup> around the city of Charlottesville, including right in front of the General District Court. Moers stole Cantwell's body camera at UVA on August 11<sup>th</sup>, successfully eliminating evidence favorable to Defendants.

Emily Gorcenski, though less involved in "overt acts of violence" was very central to Plaintiffs' unlawful conspiracy.

Gorcenski coordinated between the violent elements, the espionage operation, and Plaintiff Wispelwey's theatric "non-violent" element.

Gorcenski framed Cantwell for a crime, induced Kristopher Goad to do the same, lied to federal investigators, and under oath in Albemarle General District Court.

Gorcenski traveled overseas, received training from foreign “Antifa” groups, visited the museum of communism, advocated the violent overthrow of the United States Government, and underwent an elective genital mutilation procedure known as “Gender Reassignment Surgery” (GRS) for the explicit purpose of avoiding residency in a men’s correctional facility. Gorcenski expected to be in prison before the end of the Trump administration, and has, for now, avoided this fate, in part by fleeing the United States.

Plaintiff Wispelwey’s “non-violence training” was entirely for display purposes. Wispelwey espoused non-violence, but has a definition of that term far different than the law would ever recognize. So far as Wispelwey is concerned, Defendants’ speech is violence, and Plaintiffs’ violence is speech.

More overtly, Wispelwey has espoused his embrace of “the diversity of tactics” – a term commonly understood as a euphemism for criminal violence. Their division of labor was roughly that the “Clergy” would break the law, provoke conflict thereby, and then violent criminals would come do the dirty work of these actors, with their knowledge and consent.

The Court need not take Defendant Cantwell’s word for it that “diversity of tactics” is a euphemism for criminal violence. Assistant U.S. Attorney Carlton Gammons, recently and successfully argued before U.S. Magistrate Judge Thomas Wilson, that 31-year-old Daniel McMahon should be held without bail, for saying that Charlottesville city council candidate Don Gathers needed to be stopped through, “a diversity of tactics.” Gammons said that term meant physical violence, and McMahon has not known freedom since.

Wispelwey told one Antifa criminal *“Sure, we can use an extra set of hands. But we recognize and appreciate a diversity of tactics. Perhaps what is just as important is that the Nazi torchlight march is opposed and disrupted.”*

That criminal remarked, *“This was something that struck our delegation, some of us who have been involved in antifascist politics for a number of years thought, “Wow – this is the first time we’ve ever basically received a Reverend’s blessing for doing this kind of work.”*

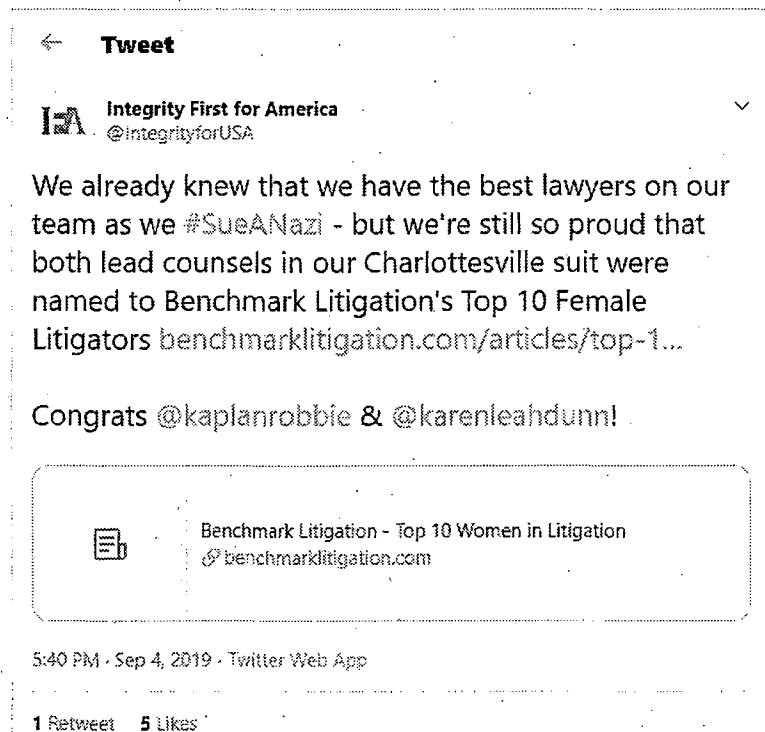
All of this and more, is exhaustively detailed with ample evidence below.

Since the Plaintiffs’ have built their entire complaint, and all subsequent filings, on the basis of narratives which they knew to be false, and which are contradicted by all facts and evidence, their request for evidentiary sanctions ought to be denied.

## Facts

1. The Plaintiffs' claims, at least so far as they pertain to Defendant Cantwell, are in clear violation of Rule 11 (b)(1) in that the suit and subsequent motions were brought for the purposes of:

- a. Causing undue financial loss, and public humiliation to Defendants
- b. Improving the social standing of Plaintiffs, and the professional and political reputations of Plaintiffs' counsel.



- i.
- c. Hindering Defendants' capacity to participate in political discourse
- d. Obtaining information through discovery to be used for other purposes.
- e. Frightening others from joining Defendants' political cause, for fear of meeting similar repercussions.
- f. Enriching Plaintiffs and their counsel, not through judgements or settlements, which they have no expectation of obtaining, but rather by the support of wealthy donors, and crowdfunding on social media.
  - i. Plaintiffs are reported to have raised over \$10,000,000  
See Exhibit27-BreakTheBack.pdf



- g. Covering up the crimes of Plaintiffs' associates.
  - h. Gaining electoral advantage for the Democrat Party
2. The Plaintiffs' claims, at least so far as they pertain to Defendant Cantwell, are in clear violation of Rule 11 (b)(2) in that the legal contentions seek to extend the law in ways which are frivolous.
- a. Plaintiffs' counsel are well aware of this fact. After interviewing Roberta Kaplan, Glamour Magazine described how she came up with the bizarre excuse for this abuse of our Courts.
    - i. It was the late nineties, and the internet was still new. But a group had uploaded to the site "wanted" photos of doctors who performed abortions, with their names, home addresses, and license plate numbers. Given an uptick in assassinations of abortion providers and attacks on clinics at the time, the plaintiffs in the suit argued that the site was intended to, in the words of the New York Times, "stir up more violence." But the defendants insisted that since the site wasn't explicit with threats of bodily harm, the claims were a violation of their right to free speech. In the end, the site lost. The judgment awarded the plaintiffs \$107 million.

Kaplan had a hunch that she could pursue a similar case against the organizers of Unite the Right, but she needed a statute to peg it to. So she picked up the phone and called her friend Dahlia Lithwick, a legal correspondent at Slate who had spent the previous 17 years in Charlottesville.

- ii. The law, as Lithwick observes, is seen as a rather dispassionate construction. But Kaplan has never looked at it like that. The law is a tool, and she has the power to wield it.
- iii. When Kaplan returned to New York, she knew she needed to settle on a legal approach. It seemed to her that there could be an element of incitement, the argument on which the case against The Nuremberg Files site had rested. But it was more than that. She reasoned that on a fundamental level the men had conspired to commit violence themselves. In the end, she and her team dusted off a statute that even Lithwick admits seemed to her like "a bit of a long shot."

It was "audacious," Lithwick tells me now, impressed. It was the Ku Klux Klan Act of 1871.

- b. Using violence which was initiated by their own associates, to get their foot through the door of the court, Plaintiffs in fact seek to criminalize the political advocacy of Defendants.
- c. Plaintiffs contend that Defendants' efforts to understand and comply with Virginia self-defense laws, are mere attempts to "avoid the legal ramifications of their violence" (Paragraph 119). The legal implication of which, is that Defendants are somehow uniquely prohibited from using force in defense of their lives, even when done in compliance with Virginia law.
- d. Similarly, Plaintiffs' entire theory rests on the absurd notion that applying for a permit, having the ACLU fight in court for the permit to be honored, coordinating with law enforcement, and inviting reporters to our events, are all in furtherance of a criminal conspiracy. This is because they literally believe that these otherwise normal things, are criminal, in the unique case of people who hold the views of Defendants.
- e. In bringing this suit, Plaintiffs hope to alter the legal definitions of "violence" and "conspiracy" in similar fashion to how Plaintiffs' counsel successfully aided in altering the legal definition of "marriage". **Far from seeking to uphold existing law, they seek "a trial that *changes* our nation".**

← Tweet



Integrity First for America  
@IntegrityforUSA

At an event on Tues, co-lead counsel @kaplanrobbie said of our Charlottesville suit, "I believe that every few years...we have a trial that changes our nation and provides a civic education. This is the kind of trial and civic education our country needs right now." #sueanazi

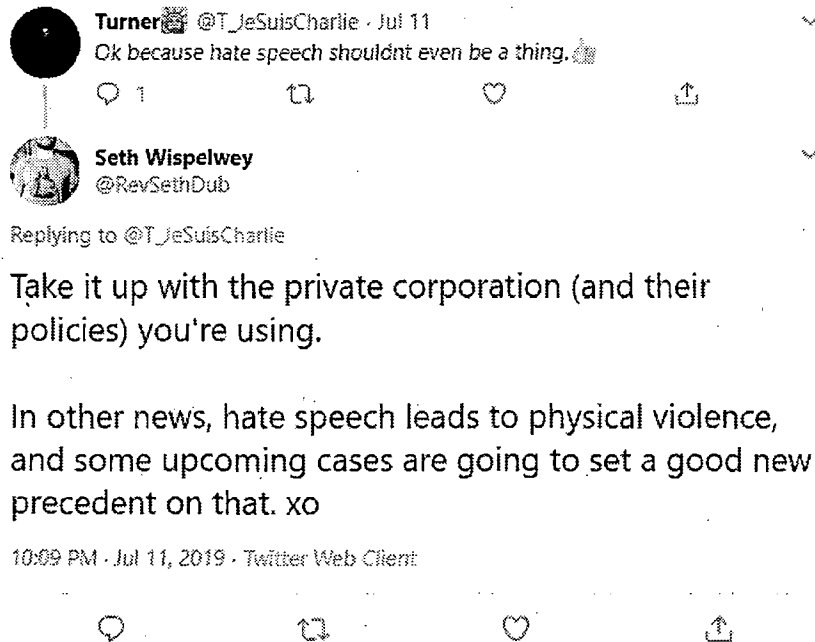


Amy Spitalnick and Terry McAuliffe

10:04 AM · Mar 31, 2019 · Twitter for iPhone

4 Retweets 7 Likes

- i.
- ii. Plaintiff Wispelwey expects this case to "set a good new precedent" on "hate speech" because he believes it "leads to physical violence".



3. The Plaintiffs' claims, at least so far as they pertain to Defendant Cantwell, are in clear violation of Rule 11 (b)(3) in that the factual contentions lacked any basis in evidence, and that no good faith expectation of obtaining such evidence through discovery ever existed.

### Defendant Cantwell

4. Far more than on any evidence, the conspiracy theory of Plaintiffs' suit rests primarily on attacking the character of their political opponents. This task is simplified by their opinion, that certain political views are inherently violent, and that those who hold such views are, by extension, violent criminals. From this it is inferred that otherwise normal activity, such as having lunch, meeting in a park, arranging for travel, "having fun", and raising money, are all acts in furtherance of the criminal conspiracy, that is the opponent's existence.
5. In the somewhat unique case of Defendant Cantwell, this task is further simplified by the nature of his profession.
  - a. In his capacity as a professional entertainer, Defendant Cantwell has been paid to entertain audiences as a writer, a standup comedian, a nationally syndicated broadcast talk radio host, a YouTube personality, and a public speaker.

- b. He has been seen on Comedy Central TV, and heard on SiriusXM Satellite Radio.
  - c. Cantwell's Internet radio show, The Radical Agenda, is a live, uncensored, open phones talk radio entertainment program, which has always been marketed as comedic satire.
  - d. While there is little doubt that Plaintiffs would find his actual views objectionable, they are simultaneously well aware that the out of context quotes they present as proof of a criminal conspiracy, are in fact, "shock humor" and dramatizations, being performed by a professional artist, on a fictional entertainment product, for the entertainment of a paying audience, and up until the lies of this suit caused them to cancel the contracts, paying advertisers.
  - e. Despite the fact that his humor offends lots of people, Defendant Cantwell never got into a violent altercation at one of his performances, at any time in his six years as an entertainer. That is, until his demonstration was attacked by associates of the Plaintiffs in August of 2017.
6. Defendant Cantwell has also been a political activist for more than ten years, at the time of this writing.
- a. Cantwell has been involved with the Tea Party movement.
  - b. Cantwell was an organizer for Ron Paul's Campaign for Liberty.
  - c. Cantwell was a committeeman for the Libertarian Party of New York.
  - d. Cantwell ran for the United States House of Representatives in 2010.
  - e. Cantwell is a regular fixture in the New Hampshire legislature, where he testifies before various committees on subjects which are of interest to him.
  - f. Cantwell has attended dozens of political demonstrations, supporting causes so varied as marijuana legalization, opposition to foreign wars, gun rights, economic liberty, right to life, freedom of speech, numerous candidates for public office, and yes, White Nationalist immigration policies.
  - g. In a decade of activism, Defendant Cantwell was never in a violent altercation at a political demonstration, until Plaintiffs' associates attacked his group in August of 2017.

7. Defendant Cantwell is a responsible gun owner, with a New Hampshire issued Pistol License, which he cherishes, and would not risk for fame nor fortune.
  - a. While much fuss has been made about showing his weapons off to a reporter in North Carolina, days after the events in dispute, he has never once been accused of misusing any of those weapons, not even by the Plaintiffs.
8. Cantwell conditioned his participation in the Unite the Right rally on close coordination with law enforcement, and cooperated fully with the investigations that followed.
  - a. Cantwell spoke to a Charlottesville detective before leaving New Hampshire
    - i. See Exhibit17-CPDDetective20170717.mp3
  - b. Plaintiffs are in possession of a video which shows Cantwell demanding Kessler coordinate with law enforcement for the UVA torchlit march.
    - i. That video is under protective order so Plaintiffs do not use it for doxing. Audio segments are attached as Exhibit10-MeetClip.mp3 and Exhibit32-MeetClip2.mp3
  - c. Plaintiffs are in possession of text messages between Cantwell and Mosley, in which, after Defendants' demonstration was attacked by Plaintiffs' associates, Cantwell asked Mosley to put him in touch with his contacts in law enforcement.
    - i. See Exhibit18-SMS.xlsx
  - d. When Cantwell discovered he had been framed for a crime, he turned himself in to Virginia authorities after retaining defense counsel.
  - e. In custody, Cantwell waived his right to counsel and spoke to Sgt. Accord of the UVA Police at the jail.
  - f. With counsel present, Cantwell met with former federal prosecutor Tim Heaphy at the Albemarle Charlottesville Regional Jail, and cooperated fully with his investigation, which was conducted at the behest of the Charlottesville city government.
    - i. See Exhibit12-Heaphy.pdf



- g. After a preliminary hearing showed most the story had been fabricated, and Cantwell was released, Cantwell met with Special Agent Dino Capuzzo of the Federal Bureau of Investigation, and cooperated fully with their investigation, providing them with much the same evidence he has provided Plaintiffs' counsel during discovery.
    - i. See Exhibit15-CantwellPrelim.pdf
  - h. After being released from custody, Cantwell has been in close communication with local and federal law enforcement, to cooperate with their investigations, and to deal with the threats and harassment he has received, on account of relentless slander by Plaintiffs and their counsel.
9. It is in the interests of time alone that Defendant Cantwell stops listing his virtues here.

### Cantwell's Body Camera Video and the August 11<sup>th</sup> Meeting

10. The timeline of deceptions involved in this case begins much earlier, but the clearest evidence of the Plaintiffs' malicious efforts to deceive the Court, can be found in Paragraph 65 of Plaintiffs' Second Amended Complaint.
11. Here the Plaintiffs claim "Defendants Ray, Cantwell, and Mosley and co-conspirator David Duke attended another in-person meeting on August 11 to plan and direct the unlawful acts of violence, intimidation, and the denial of equal protection of law."
12. In voluntary compliance with Plaintiffs' discovery demands, Defendant Cantwell provided Attorney Kolenich with a complete video recording of that entire meeting, on April 4<sup>th</sup> 2018. The video was captured with Cantwell's body camera, which he wore to prevent precisely this situation we are faced with today.
13. On or about May 3<sup>rd</sup> 2018, Kolenich relayed to Cantwell that Plaintiffs believed Cantwell was still withholding relevant video. Cantwell subsequently mailed a thumb drive to Kolenich with the remaining body camera videos, which consisted of absolutely nothing even remotely interesting.
- a. One video contained mere seconds of Cantwell and Kessler meeting for the first time on August 9<sup>th</sup>, before the battery on the camera dies. No violent conspiracy is hatched between the two strangers, as is comically alleged in Paragraph 64.

- b. Another video catches Cantwell clothes shopping at Marshalls, by himself.

14. The body camera video of the meeting is just under 114 minutes in length.

- a. The video captures Cantwell driving to, and from, the park.
- b. The video captures meeting participants consenting to the recording.
- c. The video is timestamped in one second increments at the bottom right hand corner.
- d. The sun set during the meeting, further confirming the accuracy of the timestamp.
- e. There can be no dispute that this video completely and accurately captures the entirety of the meeting described in Paragraph 65.

15. The fact that the Plaintiffs claimed Cantwell had not turned over all of his video, is proof that Plaintiffs' counsel had seen the video of the August 11<sup>th</sup> meeting described in Paragraph 65, before they demanded to see the test videos of Cantwell going clothes shopping, the next month. They cannot claim to have been unaware of what happens on that video, prior to submitting their Second Amended Complaint.

16. Plaintiffs' counsel have had the video for over a year and a half, and are working with a budget in excess of \$10,000,000.

17. If the video contained what is alleged in Paragraph 65;

- a. This case would have gone to trial in July as originally planned, if not sooner.
- b. The Plaintiffs would not have had to worry about any other discovery.
- c. This civil suit would be the least of Defendants' problems, as we would all be in prison if this were true.
- d. That would be the smoking gun that every political Leftist in the country was dying to get their hands on.
- e. Plaintiffs' Counsel would be bragging on every TV and radio station in the country about actual evidence, instead of slandering the Defendants' character and talking about the President.

18. Instead, the video captures the Defendants in fear for their safety after learning that the details of the August 11<sup>th</sup> UVA torchlit march had been

leaked to ItsGoingDown.org, an online distribution hub for violent communist propaganda.

- a. See Exhibit31-IGDTorchMarch.pdf

ItsGoingDown.org war propaganda against the UVA Torch March

- b. See Exhibit29-ClarityOfRupture.pdf and Exhibit30-ViolenceAgainstPolice.pdf

ItsGoingDown.org posts praising Micah Johnson – The Black Lives Matter activist who gunned down 5 cops in Dallas

- c. See Exhibit36-BikeLock.pdf

ItsGoingDown.org post calling for “solidarity” with Eric ‘Bike Lock Guy’ Clanton, who was charged with four counts of assault with a deadly weapon for attacking his political opponents with a bicycle lock.

19. The video is under a protective order so that Plaintiffs do not use it for doxing innocent rallygoers, but a segment of the audio can be heard in Exhibit10-MeetClip.mp3, in which:

- a. Kessler announces that the plans for the torch march have been published to IGD
- b. Cantwell, knowing the threat IGD poses, but unfamiliar with the UVA plans, and only aware of the permit for Lee Park the next day, asks if law enforcement is coordinating with organizers about the torch march.
- c. Kessler responds in the negative.
- d. Cantwell tells Kessler he will only participate if law enforcement is involved.
- e. Kessler says he will contact law enforcement.
- f. The entire group agrees that the best thing rallygoers can do is “behave like civilized White People” and avoid violence or conflict of any sort, and that we should call off the event if police will not cooperate.

20. At approximately 55 minutes into the body camera video of the meeting, Eli Mosely announces that he just got off the phone with the police. An audio clip is here provided as Exhibit32-MeetClip2.mp3 in which Mosley says:

- a. "Alright, I just got off the phone with the police. They're going to be protecting us and letting us do this torch light march tonight. They're going to be sending almost all of their police officers that they have on duty, and getting some people for overtime. Having them all basically stand on the outside of us, and basically, try to stay there in case counter protesters show up. If counter protesters do show up, essentially, what I explained to her, I explained to her our plan, and she essentially said that if they see, like a bloc, like a black bloc, or whatever, coming towards us, the police are going to move in to stop it, before it comes up on us. Okay? So we should be okay."

21. The City of Charlottesville hired former federal prosecutor Tim Heaphy, to conduct an independent investigation into the events of that summer. Heaphy's findings further confirm Cantwell's version of events.

- a. See Exhibit12-Heaphy.pdf
- b. Plaintiffs' counsel are well aware of this report. In addition to the obvious fact that they would be negligent not to, their First Amended Complaint included the "get physical" quote from Page 117 of the Heaphy Report, in Paragraph 160 of the Amended Complaint. This was absent from the initial complaint, as the report had not yet been released. Being aware that this report directly contradicts their claims, Plaintiffs nonetheless knowingly submitted their First and Second complaints with the proven false allegation intact. Plaintiffs cherry picked the helpful parts, and ignoring the vast majority of the report, which was decidedly unhelpful to their efforts to mislead this Court.
- c. Quoting from Page 70 "The FBI agent told the detective that the TWP was not likely to cause problems, **though groups that might show up to oppose them could.**"
- d. Quoting again from Page 70 "The ADL noted that the publicity surrounding the Unite The Right event 'will likely result in an extremely boisterous counter-protest from **militant anti-fascist groups.**'":
- e. Quoting from Page 71 "**Efforts to contact local Charlottesville residents associated with counter-protester groups were met with extreme resistance.** As described above, officers attempted to speak with members of Standing Up for Racial Justice and Black Lives Matter, resulting in demands by a local attorney that such contacts cease. As a

result, detectives were instructed not to reach out to anyone affiliated with those groups. Officers told us that they were frustrated that their safety-focused information-gathering actions were construed as harassment against vocal members of the community and by the resulting limitation in their ability to gather important intelligence.”

- i. See also Exhibit44-LeftistLawyer.pdf
- f. Quoting again from Page 71 “**Jason Kessler was the most informative human source CPD had in advance of August 12.** Captain Lewis was Kessler’s primary point of contact within CPD, and they exchanged emails and met on several occasions between early June and the first week of August. Lewis told us that her goal with these exchanges was to determine how far Kessler was willing to work with law enforcement. And, initially, it seemed he would cooperate. For example, they discussed whether Kessler would be able to set up tents in the event of inclement weather and how he could drop off and load audio equipment. On one occasion in July, Kessler came to the police station with his associate Brian Brathovd to review the CPD security plan.”
- g. Quoting from pages 71-72 “In addition to Kessler, Brathovd, and Pierce, several other Unite The Right speakers or attendees spoke with CPD officers ahead of the August 12 event. Mike Enoch, an Alt-Right podcast host and event speaker, and Trace Chiles, a former member of the Fraternal Order of Alt-Knights, told us they had brief conversations with officers. **Each told CPD that he expected a peaceful rally and hoped the police would protect Alt-Right groups from violent counter-protesters.** We also learned that officers spoke with Eli Mosley and speaker Johnny Monoxide in advance of the event.”
- h. Quoting from Page 87 “The investigations unit made contacts with Pikeville, Kentucky officials to discuss how law enforcement managed an Alt-Right event on May 1, 2017. Those contacts suggested that **the Alt-Right groups were generally cooperative with law enforcement**, but also that the opposing groups needed to be physically separated.”
- i. Quoting from Page 111 “While law enforcement lacked concrete knowledge of Kessler’s plans, anti-racist activists successfully penetrated Discord and developed significant intelligence about the

August 11 event. According to Seth Wispelwey, it was common knowledge among activists that Kessler planned to hold an event with torches on August 11. Similarly, Charlottesville activist Emily Gorcenski recalled hearing about the plans for a Friday evening event as early as Wednesday, August 9. Ms. Gorcenski knew that the event would involve torches, and assumed that the event would be in the vicinity of the Rotunda. **She did not inform CPD.**"

- j. Quoting from Page 113 "Kessler, Cantwell, and others arrived at McIntire Park at 5:00 p.m. to discuss the plans for the evening. **Cantwell asked if Kessler planned to coordinate with law enforcement.** Kessler responded that he did not want to inform law enforcement, because he wanted the event to be a "secret." **Cantwell strongly disagreed, noting that Antifa and other anti-racist groups often interfere with free speech events held in public areas. Cantwell refused to be a part of the march unless Kessler contacted law enforcement.** Kessler then placed a call to Captain Lewis, who instructed Kessler to call UPD Patrol Lieutenant Angela Tabler. Kessler called Lieutenant Tabler, then passed the phone to an associate, who informed Tabler that the group planned to assemble at Nameless Field on the University grounds, march to the statue of Thomas Jefferson in front of the Rotunda, and make a short speech."

22. In September of 2019, Plaintiffs' co-conspirator Emily Gorcenski, came under suspicion of being a "fed" by fellow criminal anarchists. To dissuade them of this concern, Gorcenski informed Twitter followers that, despite being "asked to call the cops" Gorcenski refused. Gorcenski expressed frustration that so few fellow Antifas endeavored to join them in their covert confrontation with Defendants, and that they "were explicitly expected to rely on the cops".





**Emily G** @EmilyGorcenski

One of my favorite parts of the "Emily is a fed" criticism is that when the decision was made to not show up on August 11, I was asked to call the cops to tell them about the torch march, and I refused.

**ruth badrd ginsberg** @isisRVA · Sep 20

In order to do something you apparently have to lick the boots of those that turned the other cheek when we were almost murdered and then somehow make the entire narrative about you but yeah you keep on keeping on buddy [twitter.com/EmilyGorcenski...](https://twitter.com/EmilyGorcenski)

1:47 AM · Sep 20, 2019 · Twitter for iPhone

4 Retweets 43 Likes



**Emily G** @EmilyGorcenski · Sep 20

Replying to @EmilyGorcenski

There were quite a lot of antifascist groups in Virginia when August 11 happened. Yet somehow there were only about 30-40 people at UVa, most students and community members.

Instead of mutual aid, we were explicitly expected to rely on the cops.

1



29



**Emily G** @EmilyGorcenski · Sep 20

"Emily, will you use your social media profile to help us spread awareness about what's happening in Charlottesville this summer" was the \*explicit\* request I was asked in 2017. I was \*literally\* asked to be public and identifiable\*.

**Stirg** @Carzoniye · Sep 20

Replying to @msgnrvideogames @GilesShurtieff and 5 others

This is so naive it's bordering on malicious.

- a. \_\_\_\_\_
- b. Of course, relying on the cops was out of the question, because Gorcenski's group planned to commit a crime.

23. Knowing all of this, the Plaintiffs still submitted their Second Amended Complaint with the obvious lie of Paragraph 65 intact.

24. Knowing all of this, Plaintiffs still submitted their Second Amended Complaint with the obvious lie that Defendants "took no steps to prevent" violence, no less than five times.

- a. In Paragraph 97 Plaintiffs allege "Defendants took no steps to prevent any violence."
  - b. In Paragraph 175 Plaintiffs allege "These acts of violence were not isolated or unplanned incidents. The torch rally was planned with the specific intent of engaging in racially-motivated violence, threats, intimidation, and harassment. The attacks upon the students were coordinated both in advance and on the day that they occurred."
  - c. In Paragraph 192 Plaintiffs again allege "Defendants took no steps to prevent, or aid in preventing, the intimidating, threatening, and otherwise illegal conduct they knew was being planned and coordinated."
  - d. In Paragraph 232 Plaintiffs once again allege "Defendants took no steps to prevent, or aid in preventing, the violent actions that they knew was being planned."
  - e. In Paragraph 349 Plaintiffs once again allege "The failure of Defendants to take any steps to aid in preventing the actions described herein, **by informing the lawful authorities or otherwise**, violated the command of 42 U.S.C. § 1986.
25. When Plaintiffs' counsel filed suit in October of 2017, it may have been plausible that their complaint, though it was replete with factual inaccuracies, was filed with the best of intentions. Their clients are talented in the art of deception, and went to great lengths to keep their crimes a secret. Defendants are not the most sympathetic of targets, and the dominant media narrative hypnotized most of the country, to believe the precise opposite of the truth.
26. The information and evidence provided to Plaintiffs' counsel since that date has surely dissuaded them of any misconceptions they had at the outset.
27. Despite this fact, owing perhaps to their own political motivations, and professional ambitions, they made themselves the willing accomplices of a fraud upon this Court, and a violent criminal conspiracy against Defendants.
28. Rather than admit to their errors, Plaintiffs have delayed the trial with outrageous demands for discovery. Demands which they are certain cannot produce evidence of a conspiracy which they know full well does not exist.

This can only be interpreted as being driven by an ulterior motive, of obtaining information that has nothing to do with the false claims, such as to collect information on their critics and political opposition, to be used for other, nefarious, purposes.

29. Rather than drop their false claims against Defendant Cantwell, Plaintiffs' counsel filed a motion to enjoin him, falsely claiming he had made unlawful threats against Plaintiffs' counsel.
30. In this motion, Plaintiffs' counsel falsely claimed it was an unlawful threat for Cantwell to say he would "have fun" with Plaintiffs' counsel after they lost this lawsuit.
31. While this would clearly not be a threat for anyone else to say, Plaintiffs' counsel hoped that this obviously benign comment would be interpreted as a threat by the Court, due to their maliciously fictional portray of Cantwell and his associates in the complaint. To bolster this false claim, Plaintiffs' counsel provided other unproven, or more accurately, disproven, false allegations against Cantwell by Plaintiffs' co-conspirator Emily Gorcenski, and even blog posts and comments by other people, on websites Cantwell has no control over.
32. In this, they hoped to win by emotional manipulation of the Court, what they could not win by law nor fact.

### This Gets Much, Much Worse

“All this was inspired by the principle--which is quite true in itself--that in the big lie there is always a certain force of credibility; because the broad masses of a nation are always more easily corrupted in the deeper strata of their emotional nature than consciously or voluntarily; and thus in the primitive simplicity of their minds they more readily fall victims to the big lie than the small lie, since they themselves often tell small lies in little matters, but would be ashamed to resort to large-scale falsehoods. It would never come into their heads to fabricate colossal untruths, and they would not believe that others could have the impudence to distort the truth so infamously. Even though the facts which prove this to be so may be brought clearly to their minds, they will still doubt and waver and will continue to think that there may be some other explanation. For the grossly impudent lie always leaves traces behind it, even after it has been

nailed down, a fact which is known to all expert liars in this world, and to all who conspire together in the art of lying.

*These people* know only too well how to use falsehood for the basest purposes.”

*~ A Famous 20<sup>th</sup> Century Statesman*

33. In preparing this filing, Defendant Cantwell was met with a substantial dilemma.

- a. The timeline of this conspiracy is long. The details are many. The evidence is overwhelming, but somewhat complex.
- b. On the one hand, the information above ought to make it plain to see that this entire lawsuit, and everything done in furtherance of it, was a fraud upon the Court, and upon the Public.
- c. Concluding here ought to be enough to accomplish the goal of ending this particular abuse of our Courts, and brevity may suffice. Defendant Cantwell is completely devoid of any desire to waste this Court's time with excessive cognitive burdens.
- d. On the other, **our being at this juncture is evidence of a rather unusual presumptive handicap, unique to these Defendants.**
- e. The public perception brought about through media bias, political cowardice, and the signature brazenness of Plaintiffs and their counsel, have resulted in a what would otherwise be an unimaginable capacity for obvious deceptions to go unchallenged.
- f. Owing to this, it may be more prudent to illustrate the full scope of this calumny in excruciating detail, even at the risk of making a burdensomely long filing.
- g. After careful consideration, and the contemplation of future appeals, brevity was crossed off the list of options. If the reader finds him or herself convinced before all has been revealed, they are invited to skip to Defendant's Prayer for Relief at the end of this document.
- h. For the curious Patriot, Defendant Cantwell will dedicate all of his talents, and as much time as he can, to making the following pages as easy to understand, and enjoyable to consume, as they are factually accurate.

34. Lest the Court come under the mistaken impression that the lies contained in Paragraphs 65, 97, 175, 192, 232, and 349, of the Second Amended Complaint, were products of mere clerical errors, or that striking these paragraphs would remedy an otherwise meritorious complaint, it is worth calling attention to the fact that everything else in the lawsuit hinges on variations of the very same lies we have just exposed above.
35. The entire suit is based on a claim which Plaintiffs knew was untrue, well prior to the arrival of Defendants in the city of Charlottesville. Plaintiffs intentionally participated in a well-planned, politically and ideologically motivated, violent criminal conspiracy.
36. In furtherance of this conspiracy, Plaintiffs have accused Defendants of precisely the crime they themselves conspired to, and indeed did, carry out. In placing Defendants on the defensive, and burdening them with legal costs, they have successfully shielded themselves from having these exact burdens placed upon them.
37. Plaintiffs' counsel have, **at best**, purposely shielded their eyes from the truth.
38. Plaintiffs rely on neither law nor fact to accomplish the goals of this suit. They are not even relying on winning. Winning was never the purpose of the action, but would be a fine bonus should their powers and talent for deception earn such a prize, and we may be certain they will carry this calumny through until they are compelled to stop by some force other than their own will. Informative and entertaining though a trial may be, Defendants hope this filing will cause the Court to be that force.
39. Should Plaintiffs be so fortunate to find themselves in front of a jury, they will rely on prejudice for a favorable verdict, similarly to how they have relied on the same in their motion to enjoin Defendant Cantwell.
40. Even if Plaintiffs are not so fortunate, they have already managed to bankrupt Defendants, chase them from the streets, diminish their impact on the political discourse, enrich themselves, garner fame, gather intelligence, and generally delight in the misery of people they hate.
41. With a newly proposed trial date of October 2020, they have successfully put this in momental proximity to the most epic electoral contest in recent memory, and anyone who glances at the Twitter feeds of Plaintiffs and their counsel, will have a hard time believing this was accidental.

## The Accusation

42. With the notable exception of Defendant Fields, Plaintiffs are incapable of accusing a named defendant of directly inflicting any damage upon any of them.
43. Aside from the as yet unchallenged fact that none of the other named Defendants actually did anything to any of the Plaintiffs, and aside from any well warranted skepticism as to Plaintiffs' credibility, such falsifiable claims would prove detrimental to their malicious and fraudulent efforts.
44. To overcome this challenge, Plaintiffs have alleged a "conspiracy" by Defendants to direct the unspecified actions of unnamed parties, whose allegedly unlawful acts are presented without evidence, and alleged to have done damages which are equally unproven and unquantifiable.
  - a. In Paragraph 1 Plaintiffs allege that "Over the weekend of August 11 and 12, 2017, hundreds of neo-Nazis and white supremacists traveled from near and far to descend upon the college town of Charlottesville, Virginia, **in order to terrorize its residents, commit acts of violence,** and use the town as a backdrop to showcase for the media and the nation a neo-nationalist agenda."
  - b. In Paragraph 3 Plaintiffs allege "Defendants are the individuals and organizations that conspired to **plan, promote, and carry out the violent events** in Charlottesville."
  - c. In Paragraph 5 Plaintiffs allege "The violence, suffering, and emotional distress that occurred in Charlottesville **was a direct, intended, and foreseeable result of Defendants' unlawful conspiracy. It was all according to plan-a plan they spent months working out** and whose implementation they actively oversaw as events unfolded on the ground."
  - d. In Paragraph 10 Plaintiffs allege that "As a result of Defendants' **intentional and coordinated plans to commit violence** against those who stood up for minority residents in Charlottesville, Wispelwey was harassed, intimidated, and assaulted by Defendants and their co-conspirators"
  - e. In Paragraph 11 Plaintiffs allege "As a result of Defendants' **intentional and coordinated plans to commit violence** against minority residents, Muniz was intimidated and harassed on multiple occasions on August 12"

- f. In Paragraph 21 Plaintiffs allege "Spencer **planned and led the violent torchlight rally** at his alma mater on Friday evening."
- g. In Paragraph B. Plaintiffs allege "Defendants **Planned and Coordinated** a Scheme to Incite **Violence**, Threaten, Intimidate, and Harass Charlottesville Residents on August 11 and 12"
- h. In Paragraph 60 Plaintiffs allege that "The application for the Unite the Right permit submitted by Defendant Kessler claimed that the event would be a protest of the removal of the Lee monument, but Defendants also **intended that the rally would** instill fear in Charlottesville's minority population and **cause violence**."
- i. In Paragraph 62 Plaintiffs allege that "**all agreed and coordinated with and among each other to plan, organize, promote, and commit the unlawful acts** that injured Plaintiffs and countless others in Charlottesville."
- j. In Paragraph 64 Plaintiffs allege that "Defendants Cantwell and Kessler met in Charlottesville on August 9 to **plan and direct the unlawful acts of violence**, intimidation, and denial of equal protection of law."
- k. In Paragraph 67 Plaintiffs allege that Defendants "did so to plan the intended acts of violence, intimidation, and the denial to citizens of the equal protection of laws. "
- l. In Paragraph 70 Plaintiffs allege that "One Internet tool Defendants used extensively to **plan and direct illegal acts** was the chat platform Discord."
- m. In Paragraph 71 Plaintiffs allege that "A "Charlottesville 2.0" server was established on Discord in June 2017. This server **was used to direct and plan unlawful acts of violence**"
- n. In Paragraph 73 Plaintiffs allege that "Individual Defendants, including Heimbach, Parrott, Cantwell, and Ray, were all participants on Discord, and **participated in the direction, planning, and inciting of unlawful and violent acts** through Discord."
- o. In Paragraph 82 Plaintiffs allege that "Although certain posts on the Charlottesville 2.0, Southern Front, and Anticom Discord servers have been made public, numerous other Discord servers and channels were used along with the aforementioned servers **to plan and coordinate attendance and violent acts at the events** of August 11 and 12."



- p. In Paragraph II Plaintiffs allege that "On August 11 and 12, Defendants **Successfully Implemented the Violence and Intimidation They Had Planned**"
- q. In Paragraph 148 Plaintiffs allege that "While **planning** their torchlight march, Defendants were aware of the fact that open fires are **illegal** on UV A's campus without authorization"
- r. In Paragraph 149 Plaintiffs allege that "In both historical cases, just as with crossburning, the use of torches was **connected with racial violence**; torches were chosen by Defendants and co-conspirators as **part of a deliberate plan to evoke fear of the same kind of violence.** "
- s. In Paragraph 174 Plaintiffs allege that "This was **consistent with the unlawful plan** developed by Defendants through their conspiratorial acts in the weeks and months preceding these events"
- t. In Paragraph 175 Plaintiffs allege that "These **acts of violence were not isolated or unplanned incidents.** The torch rally was planned with the **specific intent of engaging in racially-motivated violence**, threats, intimidation, and harassment. The attacks upon the students **were coordinated both in advance** and on the day that they occurred. "
- u. In Paragraph 186 Plaintiffs allege that "On August 12, Defendants, their co-conspirators, and others acting at their direction **executed their plan to carry out racial, religious, and ethnic violence**, intimidation, and harassment. Defendants Kessler, Cantwell, Mosley, Heimbach, Hill, Invictus, Ray, Spencer, Damigo, Fields, Parrott, Tubbs, the Nationalist Front, League of the South, NSM, TWP, Vanguard, the East Coast Knights, the Loyal White Knights, FOAK, and hundreds of Stormers (many of them from Stormer Book Clubs) **all participated in the violent events of the day** together with co-conspirators, including Duke and the Proud Boys. "
- v. In Paragraph 187 Plaintiffs allege that "Defendants and co-conspirators planned to arrive early and anticipated and encouraged the use of violence to assist the rally. "
- w. In Paragraph 191 Plaintiffs allege that "**Consistent with the conspiracy's effort to organize and maximize violent acts**, a co-conspirator and moderator on Discord told participants "we'll be putting out a video for basic formation, roles, and commands to all of the group leaders shortly," "
- x. In Paragraph 2) Plaintiffs allege that "The Events On August 12 Were **Intentionally Violent In Accordance with Defendants' Planning**"

- y. In Paragraph 207 Plaintiffs allege that "**Consistent with their elaborate planning** and lessons in battlefield tactics, Defendants and their co-conspirators charged through the peaceful clergy when they arrived at the park. "
- z. In Paragraph 208 Plaintiffs allege that "**The violence by the Defendants at the entrance to Emancipation Park followed a consistent pattern according to their pre-set plan.**"
- aa. In Paragraph 215 Plaintiffs allege that "**As they had planned,** Defendants used their shields and rods to plow through people and knock them over. They used rods and flags to assault protesters."
- bb. In Paragraph 5) Plaintiffs allege that "**After the Fact, Defendants Celebrated Their Successful Plan to Incite Violence**"
- cc. In Paragraph 278 Plaintiffs allege that "**The planned violence** brought about by Defendants in Charlottesville on August 11 and 12 left an indelible mark on Plaintiffs, Charlottesville, and the rest of the country."
- dd. In Paragraph 302 Plaintiffs allege that "**Defendants plan for these other events to be violent.**"
- ee. In Paragraph 312 Plaintiffs allege that "All Defendants, with the exception of Defendant Fields, on behalf of themselves or the organizations for which they are agents, **planned and coordinated** the Unite the Right "rally," encouraged attendance, actively organized followers to attend, coordinated logistical support to attendees, promoted the "rally" as violent, and encouraged attendees to prepare for and **commit violent acts.**"
- ff. In Paragraph 314 Plaintiffs allege that "Defendant Spencer and co-conspirator McLaren met in person to **plan unlawful acts of violence,** intimidation, and denial of equal protection for the Unite the Right events. "
- gg. In Paragraph 316 Plaintiffs allege that "Defendants Ray, Cantwell, and Mosley and co-conspirator David Duke attended an in-person planning meeting on August 11 to **plan unlawful acts of violence,** intimidation, and denial of equal protection at the Unite the Right events."
- hh. In Paragraph 321 Plaintiffs allege that "Defendant Kessler and Mosley moderated, reviewed, and managed the Charlottesville discussion forum on the application named Discord to **direct and plan unlawful**

acts of violence, intimidation, and denial of equal protection at the Unite the Right events. Along with Kessler and Mosley, Defendants Heimbach, Parrott, Cantwell, Ray, an agent of Daily Stormer (and, hence, Defendants Anglin and Moonbase Holdings), and co-conspirator Tyrone were all participants in Discord and in the **direction, planning, and inciting of such unlawful acts** through Discord, including the use of weapons and objects to inflict harm and intimidate. Defendants Vanguard America, Identity Evropa, TWP, League of the South, and Moonbase Holdings (through Daily Stormer) all had members on the Discord channel."

- ii. In Paragraph 325 Plaintiffs allege that "Defendants Cantwell, Kessler, Mosley, Anglin, Ray, and others, raised funds, **planned** for legal support, and arranged travel for the participants who engaged in **unlawful acts of violence**, intimidation, and denial of equal protection at the Unite the Right events."
- jj. In Paragraph 327 Plaintiffs allege that "Defendants Cantwell, Mosley, Spencer, Kessler, Ray, Anglin, and co-conspirators **planned and organized** a "secret" torch parade at UV A for August 11, with a plan and intent to **intimidate, threaten and harass Charlottesville residents, particularly Jews, blacks, and other minority residents.**
- kk. In Paragraph 328 Plaintiffs allege that "Defendants Cantwell, Mosley, Spencer, Kessler, Ray and Invictus attended and participated in the violent August 11 torch parade, and **directed and incited physical assaults and violence**, the use of open flames, and the intimidation of minority residents and those who advocate for equal rights for minority citizens."
- ll. In Paragraph 337 Plaintiffs allege that "Defendants **plotted, coordinated, and executed a common plan to engage in violence and intimidation in the streets of Charlottesville**"
- mm. In Paragraph 338 Plaintiffs allege that "In **furtherance of a conspiracy to violate the rights of Plaintiffs** and other black and Jewish people and their supporters, Defendants repeatedly engaged in campaigns of violence, threats, and intimidation at Lee Park and throughout the city of Charlottesville."
- nn. In Paragraph 339 Plaintiffs allege that "Defendants have committed numerous overt acts in furtherance of the **conspiracy to violate Plaintiffs' rights**"
- oo. In Paragraph 346 Plaintiffs allege that "**Defendants all possessed actual knowledge of the Section 1985(3) anti-civil rights conspiracy**

described in this complaint that was **planned and then undertaken** against the class of American citizens described-including a number of the Plaintiffs named herein."

pp. In Paragraph 347 Plaintiffs allege that "**Defendants, as organizers, planners, promoters, and leaders of the conspiracy**, were each in a position and had the power to have stopped the anti-civil rights conspiracy or to aid in stopping it."

45. To "prove" their conspiracy, Plaintiffs string together all manner of perfectly normal and legal behavior, which any sane person ought to expect of a lawful and peaceful demonstration. Raising money, arranging for travel, even applying for permits and discussing Virginia law, are all presented as evidence of criminal intent.

46. By will of Plaintiffs and their co-conspirators, violence ensues, despite Defendants' best efforts. Plaintiffs intentionally mislead this Court by claiming the organizational activity for the lawful demonstrations, were in fact elements of a violent criminal conspiracy carried out by Defendants.

47. In reality, the conspiracy was that of Plaintiffs and their co-conspirators.

### Prequel

48. Plaintiffs' co-conspirators, if not Plaintiffs themselves, had attempted to unlawfully prevent prior demonstrations in the city.

May 13<sup>th</sup>

49. On May 13<sup>th</sup> 2017, some named Defendants (not including Defendant Cantwell, who was wholly unaware of these plans), and various associates, held a demonstration in Charlottesville, Virginia. The participants did not announce their plans in public, nor did they apply for any permit, nor coordinate with law enforcement.

50. This event, though provocative, caused no violence, thanks to the lack of capacity for Plaintiffs and their co-conspirators to perpetrate it, on account of their unawareness.

51. Despite the peaceful and lawful nature of this demonstration, Plaintiffs allege without evidence that this display carried a criminal intent.

a. In Paragraph 50 it is alleged that "The May 13 event was planned and intended to intimidate, threaten, and harass Charlottesville residents on the basis of race, religion, and ethnicity."

- b. In Paragraph 54 it is alleged that “Capitalizing on the perceived success of the May event, and motivated by the same desire to achieve racial and religious subordination of city residents, Defendants began planning for additional events in Charlottesville.”

May 14th

52. Plaintiffs conspicuously skip over the events of May 14<sup>th</sup>, no doubt because, in keeping with their intent to defraud this Court, they knew it would not be helpful to their case.

53. The Heaphy Report described the events of May 14<sup>th</sup> as follows;

- a. “The May 13 events prompted a strong, immediate reaction among Charlottesville’s progressive community and broadened its focus beyond the statues themselves. Political leaders criticized the symbolism of the use of torches and the racist ideology espoused at the events. A group quickly organized a counter-protest on Sunday, May 14—a candlelight vigil at the Lee statue. A large crowd gathered at the Lee statue that Sunday night. Speakers at the event focused on embracing diversity and inclusion and rejecting imagery and tactics used by Kessler and Spencer. **Several fights occurred when Kessler arrived** and disrupted the event. Several people including Kessler were arrested.”
- b. See Exhibit12-Heaphy.pdf Page 2

July 8th

54. On July 8<sup>th</sup>, Plaintiff Wispelwey, co-conspirator Emily Gorcenski, and others, participated in a riot in which Leftist agitators attacked police, and had been arrested and tear gassed by authorities for these efforts.

55. These events were widely publicized on local TV, radio, and in print publications. They were the subject of raucous city council meetings, which were themselves widely publicized in local and national media.

- a. See Exhibit47-23ArrestedJ8.pdf – New York Times article describing 23 arrests after “counter protesters” deployed pepper spray at police officers.
- b. See Exhibit53-CBS19J8.pdf From the CBS 19 TV Website, showing one of many examples of TV coverage of the event.

c. Major Pleasants of the Charlottesville Police Department said of the tear gas deployment on July 8<sup>th</sup> *"You are damn right I gassed them, it needed to be done,"* adding that CPD was **"under attack."**

i. See Exhibit50-Pleasants.pdf - Article in the Charlottesville Daily Progress describing the incident report.

56. This media coverage renders it implausible that Plaintiffs who are residents of the Charlottesville area are unaware of these facts.

57. This coverage, and abundant other evidence, renders it implausible that Plaintiffs' counsel remain unaware of these facts.

58. "Counter protesters" (see, rioters) openly admit that they refused police orders to disperse.



Generic Soy Milk  
@EmilyGortenski

This is a good photo I took on July 8 that I just reminded myself of.

Police in riot gear retreat after failing to disperse 10 counter-protesters with tear gas canisters.



3:22 PM · Mar 28, 2018 · Twitter for Android

6 Retweets 66 Likes

a.

59. See Exhibit48-J8Stream1.mp4 and Exhibit49-J8Stream2.mp4 - Live stream videos from Charlottesville resident, and "counter protester", Emily Gorcenski at the July 8<sup>th</sup> 2017 KKK demonstration.

60. The lesson Plaintiff Wispelwey learned from being tear gassed by law enforcement, was that "patriotic activity" ought to land one on "an FBI watch list".



**Seth Wispelwey** @RevSethDub · Jul 4, 2018

Given the circumstances, true patriotic activity should land you on an FBI watchlist.

Same goes for doing the Jesus thing.

There, I actually conflated Christian and America. 😊

#IHaveADream #ToTheMountaintop



1



6



**Seth Wispelwey**

@RevSethDub

Speaking of patriotic activity, last year's 4th was a few days before KKK came to town. C'ville-ity tried to dictate "ignoring them" (cf. CPD & @MikeSigner of the 'resistance'). But Resistance/patriotism dictated & led 1000 to show up & confront, incl. 350 marched in by clergy.

9:53 PM · Jul 4, 2018 · Twitter for iPhone

4 Likes



**Seth Wispelwey** @RevSethDub · Jul 4, 2018

Replying to @RevSethDub

And the "fireworks" we got in return were tear gas after safe passage was given to the Klan by militarized law enforcement. In related news, all those popping off rockets in the street tonight is triggering serious stress reaction. I'm not the only one. #Charlottesville



2



2



**Seth Wispelwey** @RevSethDub · Jul 4, 2018

Fight white supremacy. Pray with your feet.



4





61. See Exhibit46-VFArrest2.pdf – Veronica Fitzhugh, a “counter protester” was later arrested a second time, for assault.

62. Some noteworthy quotes from the Heaphy report (Exhibit12-Heaphy.pdf) regarding the July 8<sup>th</sup> event include;

- a. The emotional intensity at Justice Park during the Klan rally was most acute near the barricades encircling the Klan. Farther away, the event remained largely peaceful. Charlottesville residents Bo and Maureen Perriello stood in Zone 1 and never felt a sense of danger. They noted a clear separation between counter-protesters and the Klan, though they did see a couple of “scuffles” in the crowd.
- b. In addition to noise, counter-protesters launched projectiles at the Klan, including apples, tomatoes, oranges, and water bottles.
- c. At 4:00 p.m., City Manager Jones reported to City Council that the Command Center “received reports of some objects being thrown at the police” but there are no injuries.
- d. Charlottesville resident Casey Landrum observed people throwing bottles at the Klan.
- e. Ann Marie Smith suggested that the positioning of the police between the barricades was “unsettling” because the police faced the counterprotesters with their backs to the Klan, giving the crowd the impression that the police were protecting the Klan while suspicious of the crowd.
- f. Around 4:00 p.m.—the scheduled end time for the Klan event—the crowd began chanting for the police to shut it down. According to eyewitness Elizabeth Pettit, the crowd was frustrated that the police allowed the Klan to exceed their time. Captain Shifflett told us that because the event was delayed by the arrest of counter-protesters blocking the Klan’s point of ingress, Chief Thomas agreed to give them twenty more minutes. Shortly after 4:00 p.m., Lieutenants McKean and Hatter spoke with Barker and informed her that the Klan had twenty more minutes to conclude their program.
- g. At 4:22 p.m., Lieutenant Hatter told Barker that the Klan’s “time is up” and police would escort them back to their vehicles. The Klan did not object. According to Major Pleasants, they were “ready to go.”
- h. At approximately 4:25 p.m., the Klan left Justice Park. Police told the Klan to return through the path in the crowd on High Street created and maintained by the VSP mobile field force. Again, police lined up

the Klan and told them to move quickly. Police formed a wall to separate the Klan from counter-protesters. Barker believed the path was unduly narrow, which allowed counter-protesters to reach through the "human cop wall." Police shouted at the Klan to keep moving, even after one member was punched in the face. According to Barker, the Klan struggled to exit the park. Lieutenant Durette noted that "as we escorted the KKK from the rally to the garage, we encountered people that threw tomatoes, water bottles, and some officers were spit on."

- i. By 4:30 p.m., the Klan entered the parking garage. The Command Center issued an order to hold the Klan inside because counter-protesters were blocking the door. Coincidentally, one of the Klan's vehicles broke down inside the garage, which required that it be pushed aside and left behind. Amanda Barker explained that police instructed the Klan to stay in their vehicles. She described it as "terrifying" because the Klan were "trapped inside the garage" and could hear the counter-protesters outside. Police instructed the Klan to line up their cars and prepare to quickly exit the garage.
- j. With the increasing amount of counter-protesters gathering outside of the garage door and blocking the Klan's exit, Lieutenant Hatter told the Command Center "this is serious" and requested permission to declare an unlawful assembly. He also asked for more officers from zones to assist at the parking garage and informed the VSP mobile field force that he planned to declare an unlawful assembly. Chief Thomas gave permission to make the unlawful-assembly declaration. An all-hands call subsequently went out to CPD officers to report to 4th Street. Captain Shifflett recalled that CPD officers were not instructed to put on riot gear prior to responding to the all-hands call.
- k. At 4:35 p.m., Lieutenant Hatter organized CPD, ACPD, and VSP officers as well as several sheriff's deputies into a line in front of the parking garage. He then used a bullhorn to announce that the gathering had been declared an unlawful assembly. At 4:38 p.m., Major Pleasants left the Command Center and walked towards the JDR Court area.<sup>214</sup> He observed counter-protesters surrounding Lieutenant Hatter at the parking garage. Major Pleasants assumed command of the remaining CPD officers in Justice Park and moved them to assist Lieutenant Hatter.
- l. The line of law enforcement personnel in front of the parking garage pivoted and pushed the crowd away from the garage door and across 4th Street.<sup>215</sup> With the driving path cleared, the Klan exited the parking garage around 4:45 p.m.<sup>216</sup> Lieutenant McKean again drove the lead car to escort the Klan. Barker told us that as she and the

other Klan members drove away, counter-protesters confronted the cars, hit them with weapons, and "stood in our way." Lieutenant McKean told us that the exit plan did not go smoothly because, on Hedge Street, he and some Klan vehicles turned right yet other Klan vehicles turned left. All of the Klan vehicles made it to the 250 Bypass and immediately left the City.

- m. By all accounts, the crowd of counter-protesters became hostile to law enforcement personnel after the Klan vehicles exited the JDR Court parking garage. Frank Buck, a former City Mayor, was present for the July 8 event. He told us that after the Klan left, counter-protesters turned on law enforcement and "things got crazy." Elizabeth Pettit, an eyewitness, observed that counter-protesters and police had hostile interactions, facilitated by counter-protesters who taunted the police for helping the Klan. **Reverend Seth Wispelwey said the "police became the enemy" to many in the crowd, as people were angry that the police "protected the Klan."** Ann Marie Smith told us that the crowd "turned against the police" after the Klan left, partly because of the riot gear and aggressive actions of officers. Some crowd members chanted "Cops and Klan go hand in hand!"
- n. Lieutenant O'Donnell expected counter-protesters to disperse after the Klan departed. He told us that while much of the crowd left the area, some counter-protesters remained and had an "ax to grind." Lieutenant Hatter explained that CPD and VSP "did a piss-poor job of retreating" to Justice Park. He feared that officers became isolated and had to "fend for themselves in dangerous spots with hundreds of people around them." Lieutenant Mooney lost track of his assigned VSP troopers at this point and did not have a way to communicate with them. Lieutenant O'Donnell similarly told us that when he brought his assigned officers to the JDR Court garage, the VSP troopers assigned to his zone "disappeared."
- o. A large group of counter-protesters moved toward an alley next to the JDR Court where the CPD SWAT team and its armored Bearcat vehicle were staged. Counter-protesters approached the Bearcat, prompting Lieutenant Upman to call for assistance from VSP. CPD SWAT officers established a perimeter around the Bearcat and Lieutenant Upman commanded the crowd to disperse from the area. VSP SWAT responded to Lieutenant Upman's call for help, moving into the alley and keeping the crowd away from the Bearcat. Major Pleasants then ordered CPD SWAT to move to the Levy Opera House parking lot.

- p. CPD officers and counter-protesters were also gathered on an outdoor ramp near the JDR Court. **A female counter-protester kicked CPD Officer Eric Thomas in the groin**, provoking Officer Thomas to arrest her for assaulting an officer. In an attempt to disrupt the arrest, two counter-protesters linked arms with the arrestee and fell to the ground. Officer Thomas ordered the group to separate and warned them several times that he planned to deploy OC spray. After the three individuals repeatedly refused to cooperate, Officer Thomas sprayed the arrestee and the two linked counter-protesters with OC spray. Officer Thomas then arrested the female counter-protester and one of the people who had interfered with his arrest. He escorted the arrestees to a van near the JDR Court operated by the Charlottesville Sheriff and described the scene as a "mad house." Lieutenant Mooney reported to the area and recalled detecting OC spray in the air.
- q. The intermingling and clashes of CPD, VSP, and counter-protesters along High Street and near the JDR Court prompted Major Pleasants to declare a second unlawful assembly. He used a bullhorn to announce the unlawful assembly and order the crowd to disperse. The crowd failed to disperse, despite repeated commands. Major Pleasants told us that counterprotesters continued to engage law enforcement personnel, who struggled to maintain control. CPD Detective Braden Kirby was told to get his riot gear, which was stored at the Charlottesville Circuit Courthouse. He was unable to do so, given the substantial crowd and simultaneous need to respond to the disturbances on High Street.
- r. Using a bullhorn, Major Pleasants issued a dispersal order to the crowd and announced three times that chemical agents would be used. No warning, however, went out over CPD or VSP communications warning law enforcement personnel on the ground. Charlottesville resident Mason Pickett heard a dispersal order and noticed that counter-protesters did not disperse. He observed law enforcement "acting responsibly" by issuing warnings and putting on gas masks. Photographer Patrick Morrissey said that police made repeated demands over bullhorns to disperse and threatened to use tear gas if counter-protesters did not leave the area. Reverend Seth Wispelwey recalled seeing troopers put on gas masks but did not hear any warning regarding the impending tear gas deployment. Alan Zimmerman, president of Congregation Beth Israel, similarly observed law enforcement donning gas masks but did not recall any warnings from police before the release of tear gas.
- s. CFD Deputy Chief Emily Pelliccia's crew was staged nearby in the Levy Opera House parking lot. She observed street medics extract members from the High Street area for tear gas exposure. She offered

to assist but the street medics and victims refused CFD's help. Rather, they screamed at CFD to "go away." As a result, CFD did not tend to many victims of tear gas exposure. **When Deputy Chief Pelliccia questioned one of the street medics, she was spat upon and informed that they travel with Antifa for Antifa's protection.**

- t. Chief Thomas was upset over the tear gas deployment, as he had insisted that gas not be used without his direct instruction. When Major Pleasants returned to the Command Center, Chief Thomas confronted him about the decision to use gas. **Major Pleasants specifically told the Chief "you are damn right I gassed them, it needed to be done." He further explained that CPD was "under attack."**
- u. Despite the manner in which the decision was made, Chief Thomas now believes that the use of tear gas was appropriate. Chief Thomas noted that the gas had the desired effect and caused the crowd to disperse quickly. He also pointed to the fact that because of the use of tear gas, neither CPD nor VSP had to become physical with the crowd. Colonel Flaherty similarly told us that he agreed with the decision to deploy gas. He told us despite confusion about the who gave the order, he believes that based on the circumstances that arose on July 8, tear gas was going to be deployed "regardless."
- v. After the tear gas was deployed, the crowd along High Street dissipated. Some counterprotesters returned to Justice Park and congregated in Zone 4, where officers equipped themselves with riot gear in anticipation of confrontations. A bullhorn was again used to declare a third unlawful assembly at 5:22 p.m., prompting the crowd to disperse. All police units began withdrawing from Justice Park. The remaining counter-protesters left the park peacefully and without incident." At 5:29 p.m., Maurice Jones reported to City Council that the crowds were "slowly but surely" dispersing. By 5:38 p.m., most police units had been relieved and the Command Center closed.
- w. After the Klan event, Public Works disassembled the bike-rack barricades and secured them in Justice Park. Public Works also picked up trash in the park, **finding discarded body armor and a stretcher.**
- x. Law enforcement personnel made twenty-two total arrests at the Klan event
  - i. VSP Obstruction of Justice 6
  - ii. VSP Obstruction of Free Passage 1
  - iii. CPD Obstruction of Justice 3

- iv. CPD Obstruction of Free Passage 5
- v. CPD Assault 1.5
- vi. CPD Failure to Disperse 1
- vii. CPD Disorderly Conduct 1.5
- viii. CPD Wearing Mask in Public 3
- y. Most arrestees were released on summons according to Sheriff Brown, and he recalled that one was taken to jail for assaulting an officer.

63. Reverend Seth Wispelwey explained that community progressives and faith leaders had an extremely strong reaction to the tear gas after July 8. To many, "it seemed like [the police] had no plan, other than protecting white supremacy." Wispelwey worried that City leaders and law enforcement "didn't know what they were doing." The image of police focusing exclusively on protecting the Klan then acting aggressively toward the counter-protesters angered others in the community.

64. These "counter protesters" were no shyers about threatening and using violence to accomplish the disruption of the Unite the Right rally.

#### A Pattern Emerges

65. Noting what should be obvious, Defendants hold a demonstration, and all is right with the world. Plaintiffs show up, and violence ensues. This is precisely what the FBI, the Anti-Defamation League, and Pikeville police told local law enforcement in preparation for August 12<sup>th</sup>, as explained in Exhibit 12-Heaphy.pdf from which quotes were provided in Paragraph 21.

66. Plaintiff Wispelwey was present on July 8<sup>th</sup>.

- a. Wispelwey said **"police became the enemy"**
- b. Wispelwey witnessed the violence of his associates, including violence against law enforcement. He did not disavow it, and chose to continue conspiring with them. These same rioters conspired with Wispelwey to criminally disrupt the Unite the Right rally.
- c. Wispelwey was angered that police were **"protecting white supremacy"** because he believes with all of his heart, that **"white supremacists"** are not owed the protection of law.
- d. Wispelwey is **"on the record as not condemning"** Antifa





Seth Wispelwey @RevSethDub · Jul 9

Replying to @MTBinDurham and @G650horn

"Antifa" saved our lives. I'm on the record as not condemning them.



What the "Alt-Left" Trump Despises Was Actually Doing in Charlottesville...

First-person accounts from locals who were there:

[slate.com](#)



2



2



i.

## A Diversity of Direct-Action Tactics, Courtesy of a More Fashionable Black Bloc

67. Plaintiffs who did not participate in violence directly, provided cover for the violence, as part of an organized division of labor, which in sum constituted a politically motivated violent criminal conspiracy, and subsequent fraud upon this Court.
68. Plaintiffs' associates, if not Plaintiffs themselves, determined to stop the Unite the Right rally by any means necessary, including criminal violence. This was planned in advance, and not much of a secret. If Plaintiffs themselves did not act violently, they knowingly provided cover for the violence, it is the provision of this cover which this case centers around.
69. Some terminology will need to be explained in following paragraphs, to illustrate how this was all done out in the open.
70. Plaintiffs go on at length about all of the supposed virtuous and peaceful things they claim to have done, then contrast this with the seemingly inexplicable phenomenon of neo-Nazi terrorists appearing out of the blue, and attacking them for no reason other than hatred and bloodlust. This should raise alarm bells in any sound mind from the sheer absurdity of it, but



since we find ourselves as we do at this time, an explanation of "Black Bloc" tactics is in order.

- a. Police Magazine has a helpful resource for law enforcement, on the subject of criminal anarchists like the Antifa extremists who attacked Defendants' demonstration. They describe the "Black Bloc" as follows. (Full article Exhibit38-BlackBloc.pdf)
  - i. **"To effectively identify criminal anarchists among authentic protestors and demonstrators, officers need to know their common traits and physical identifiers. The most common symbol utilized by anarchists is the "Anarchy A," which is composed of a capital letter "A" within a circle. Officers may see this image in the form of graffiti, but more often as a body tattoo. Another common criminal anarchist tattoo consists of the letters "ACAB," which stand for All Cops Are Bastards. The black flag of anarchy also advertises the presence of criminal anarchists. The flag may appear as solid black or as a red and black divided rectangle, often hoisted in the air on flag sticks amid protesting crowds.**

Typically, criminal anarchists employ a common mode of dress which is part of a tactic frequently called "Black Bloc." In the "Black Bloc" stratagem, throngs of criminal anarchists all dress in black clothing in an effort to appear as a unified assemblage, giving the appearance of solidarity for the particular cause at hand. **This tactic is particularly troubling for law enforcement security forces, as no anarchist rioter can be distinguished from another, allowing virtual anonymity while conducting criminal acts as a group.**

The more dangerous criminal anarchist rioters can assault police security forces, and then **easily blend back into the mob and disappear.** Even when viewing video surveillance footage after a criminal riot and attempting to determine the problematic catalysts for the criminality, **officers can have difficulty differentiating one anarchist from another.** Criminal anarchists also often wear dark-colored bandanas tied loosely around their necks, which can be used as makeshift gas masks to rebuff chemical munitions should they be deployed by police. These facial coverings also conceal the wearer's identity.

**Criminal anarchists normally attempt to comeingle in genuine protest demonstrations, and are known to wear their "Black Bloc" monochromatic uniform underneath outer clothes, so as**

**not to immediately stand out in the crowd.** Officers should also scan for backpacks, which may conceal containers of broken glass, acid-filled projectiles for throwing, or cans of spray paint for vandalism.”

- b. The purpose of the “black bloc” is to provide cover for criminal activity. In addition to thwarting surveillance cameras, it allows violent participants to blend in with non-violent participants. In this, the non-violent participants become willing human shields for, and co-conspirators to, the criminal violence.
- c. In a text titled “The Black Bloc Papers” authored by The Green Mountain Anarchist Collective members Xavier Massot, David Van Deusen, these “non-violent” participants are referred to as “reserves”. See Exhibit45-BlackBlocPapers.pdf
  - i. “Prior to the reemerging with the Black Bloc, combat with the State should be avoided by these reserves, unless in self-defense, or unavoidable. Maintaining a low profile is vital. It is desirable that the reserves de-Bloc and become ‘regular.’ Black Bloc clothing should be worn underneath ‘regular’ clothing. This enables the reserves to blend in better and become less distinguishable as members of the Black Bloc to police helicopters and informants of the State. When they are called for by the g-tacs, the reserve cluster(s) should remove their ‘regular’ clothing to reveal their true colors underneath. The ‘regular’ clothing could be discarded and thrown away.”

71. Another key phrase which warrants explanation is “Diversity of Tactics”

- a. WagingNonViolence.org summarizes this phrase as follows:

“Diversity of tactics,” in the context of political protests, is **often treated as essentially a byword for condoning acts of violence.** The phrase comes by this honestly; it emerged about a decade ago at the height of the global justice movement, especially between the 1999 demonstrations that shut down a WTO meeting in Seattle and those two years later in Quebec. While all nonviolent movements worth their salt will inevitably rely on a variety of tactics—for instance, Gene Sharp’s list of 198 of them—**using the word “diversity” was a kind of attempted détente between those committed to staying nonviolent and those who weren’t.**

- i. (Full article Exhibit39-Diversity.pdf)

- b. Like the black bloc, “diversity of tactics”, as a euphemism for criminal violence, mixed in with non-violent activity, means the non-violent participants provide cover for the violent participants. Criminals attack, and then blend in with the crowd. Using this technique, it is difficult for law enforcement to hold people accountable merely for presence at an event. Criminals know this, and that is why they do it.
- c. Plaintiff Wispelwey says “A ‘diversity of tactics’ ... is **always** welcome”.



Seth #StillWithKap Wispelwey  
@RevSethDub


Replying to @KevinLevin @Jalene\_Schmidt and @UNC

A ‘diversity of tactics’, well organized and committed to ‘unified’ outcomes, is always welcome. Hopefully most of those not down with the TA strike are using their energies to leverage any/all power and influence towards same end.


8:30 AM · Dec 8, 2018 · Twitter for iPhone

3 Likes

- d. “No one said everyone must punch Richard Spencer, but rather to support the few who are willing” says Gorcenski.

 **Emily G. Cville.** @EmilyGorcenski · Jan 21  
Like, I know this is Twitter, but you all do realize "if you don't literally kill every Nazi you see on site you are flawed" is a pretty unrealistic line to set.

7 11 102

 **LaurasBloodyKnuckles** @conordale · Jan 21  
while I agree, I'm old enough to remember left twitter calling liberals "nazi enablers" for suggesting Spencer shouldn't be punched.

2

 **Emily G. Cville.**  
@EmilyGorcenski

Follow

Replying to @conordale

No one said everyone must punch Richard Spencer, but rather to support the few who are willing

6:30 PM - 21 Jan 2018

5 Likes



1 5

72. Another key phrase is "Direct Action" (not used here as a legal term) which in the case of our "counter protesters" sometimes needs to be differentiated from "NVDA" or "Non Violent Direct Action".

a. Merriam-Webster.com describes Direct Action as follows

"action that seeks to achieve an end directly and by the most immediately effective means (such as a boycott or strike)"

Recent Examples on the Web

"The most dramatic example of the growing drive towards more radical, direct action was the storming of the city's legislature on July 1."

— James Griffiths, CNN, "Why Hong Kong's young protesters feel they're running out of time in fight for democracy," 25 July 2019

- b. For our purposes, it may be more helpful to understand this from the perspective of the “counter protesters”.
- c. “Counter protester” Emily Gorcenski views crashing a car into a religious monument a “Direct action win”.



**Generic Soy Milk** ●  
@EmilyGorcenski

Direct action win



**Ars Technica** ● @arstechnica · Jun 28, 2017

Man drives into Ten Commandments monument in Arkansas Capitol, streams it on Facebook [arstechnica.com/tech-policy/20...](https://arstechnica.com/tech-policy/2017/06/man-drives-into-ten-commandments-monument-in-arkansas-capitol-streams-it-on-facebook/) by @dmkravets

3:53 PM · Jun 28, 2017 · Twitter for Android

4 Retweets 43 Likes

- d. This stands in contrast to NVDA, or “Non Violent Direct Action”, although, the definition of “Non Violent” often becomes quite fuzzy with this stripe of criminal, as we’ll soon show in greater detail. This fuzziness, of course, is no accident.



**Generic Soy Milk**   
@EmilyGorcenski

Did you know!

NVDA stands for non-violent direct action.

3:20 PM · Mar 27, 2018 · Twitter Web Client

7 Retweets 29 Likes



**c0ndr3t** @condr3t · Mar 27, 2018

Replying to @EmilyGorcenski  
what's violence for you?

1



**Rich Felker** @RichFelker · Mar 27, 2018

NVDA training usually explores that question in-depth with the group participating and has room for a spectrum of answers.

2



- e. The goal of direct action is to make a person or group do something they do not want to do, and to impose costs upon them until they comply with the coercive tactic.



**Generic Soy Milk**   
@EmilyGorcenski

In direct action training you learn that the most effective direct actions have a few common elements:

- a clear ask
- a person or entity who can be held responsible
- and a willingness to make the cost of noncompliance overly burdensome

9:23 PM · Jun 18, 2018 · Twitter for Android

37 Retweets 116 Likes

- f. If the target does not comply, just “increase the cost of noncompliance” until they do.



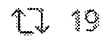
**Generic Soy Milk** @EmilyGorcenski · Sep 30, 2018

**Direct action** works when there is:

- a clear goal
- someone who can be held accountable
- and a willingness to increase the cost of noncompliance.



1



19



139



Show this thread

73. Another term to understand is “Community Defense”. This differs from “self defense” in that it is only defensive in the sense that a criminal gang “defends” its “turf”. In the case of our “counter protesters” it means using violence to keep political opponents out of a city.

- a. Non-violence, has its limits, says “counter protester” Emily Gorcenski. Where those limits end, the “Diversity of Tactics” picks up, for the purposes of “Community Defense”.



**Generic Soy Milk** @EmilyGorcenski · Sep 24, 2017

To train. To understand the legacy and limits of non-violence. To hold that non-violence doesn't mean the other side holds those values.



1



2



2



**Generic Soy Milk**

@EmilyGorcenski

Replying to @EmilyGorcenski @Visible\_NC and 5 others

To honor the Diversity of Tactics. To be ready to sacrifice. To commit to community defense.

8:25 PM · Sep 24, 2017 · Twitter for Android

1 Retweet 1 Like

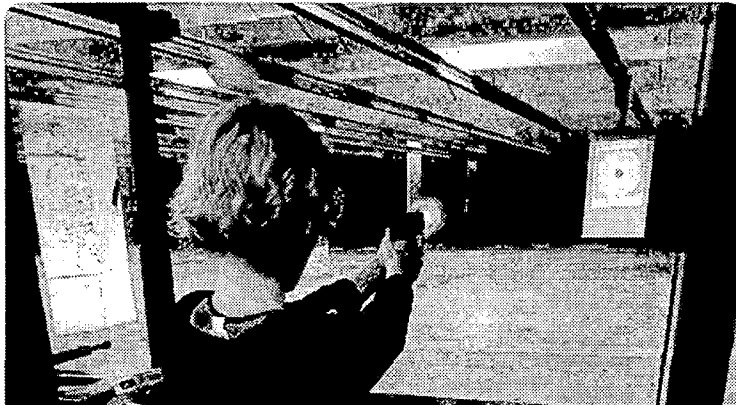


b. "Community Defense" it should go without saying, is "militant".



Generic Soy Milk  
@EmilyGorcenski

Anyhow, while we're talking about militant community defense, I forgot I had this stellar picture of.  
@socialistdogmom rockin' my 9mm.



c. Our "counter protesters" feel the need to "defend" their communities against law enforcement.



**Generic Soy Milk**   
@EmilyGorcenski

In Charlottesville we knew it was more than community defense. We were trying to protect something much bigger. The risks scaled.

1:42 PM · Sep 12, 2017 · Twitter Web Client

13 Retweets 75 Likes



**Generic Soy Milk** @EmilyGorcenski · Sep 12, 2017

Replying to @EmilyGorcenski

What we faced:

- The largest nationalist rally in decades
- SIX different law enforcement agencies
- The National Guard
- Indep. Militias

2

17

84



**Generic Soy Milk** @EmilyGorcenski · Sep 12, 2017

August 12 was at least an order of magnitude more complex than anything we've seen in decades. We talk about Skokie... this was bigger.

1

13

73



**Generic Soy Milk** @EmilyGorcenski · Sep 12, 2017

The antifascists in PDX and Berkeley who deal with this more regularly know how dangerous just a couple dozen Nazis with 1 LE agency can be.

1

17

81



d. Plaintiff Wispelwey wholeheartedly agrees.



Seth #StillWithKap Wispelwey @RevSethDub · Jul 27

We must all be gravely concerned & alert to fact that Democrats are not leading us out of this or protecting us from it.

Anti-fascism is **community defense**. We keep us safe.

When Democratic leadership decides to do that, then we can talk.

Pass it on.



molly conger, communist degenerate @socialistdogmom · Jul 27

antifascism is community defense, full stop.

antifascists protect our communities, pass it on.

[twitter.com/GayGritty/stat...](https://twitter.com/GayGritty/stat...)

Show this thread



1



4



16



i.

- ii. See also Exhibit52-SethsBatallions.pdf – An article on Slate where Plaintiff Wispelwey is quoted as saying of the events in dispute, “Thankfully, **we had robust community defense standing up** to white supremacist violence this past weekend.”

74. Another phrase to understand is “bird dogging”. In the sense here used, bird dogging is a subversive activism tactic, in which conflicts are staged for the purpose of “starting anarchy”.

- a. See Exhibit41-BirdDogging.pdf – Breitbart.com coverage of Project Veritas hidden camera video exposing ties between “Democracy Partners”, the DNC, and the Hillary Clinton campaign.
  - i. The goal of “bird-dogging”: to create a sense of “anarchy” around Donald Trump that would undermine his political support. Often, the tactic uses the most vulnerable people — including the elderly and disabled — to maximize shock value
  - ii. O’Keefe’s extensive video investigation reveals that the Hillary Clinton campaign and the Democratic National Committee (DNC) are involved in “bird-dogging” and other provocative tactics through a web of consultants led by Robert Creamer, a veteran Chicago activist and convicted felon who is thought to have planned Democrats’ political strategy during the push for Obamacare in 2009 and 2010.

- iii. Creamer is also the co-founder of Democracy Partners, a consulting group that, according to Project Veritas videos, apparently contracts directly with the Hillary Clinton campaign and the DNC, and that works with an array of super PACs and consultants to organize, film and publicize their provocations.
- iv. O'Keefe and his team also obtained hidden camera videos showing one of Creamer's consultants, Scott Foval, describing "bird-dogging," among other tactics, and taking credit for having instigated violence at several Republican events during the 2016 election cycle.
- v. FOVAL: So one of the things we do is we stage very authentic grassroots protests right in their faces at their own events. Like, we infiltrate. And then we get it on tape. And then, when our guys get beat up —
- vi. FOVAL: We train up our people, wherever they are, to — and I work with a network of groups, we train them up on how to get themselves into a situation on tape, on camera, that we can use later.
- vii. FOVAL: You remember the Iowa State Fair thing where Scott Walker grabbed the sign out of the dude's hand and then the dude gets kind of roughed up right in front of the stage right there on camera?  
PV: Yeah.  
FOVAL: That was all us. The guy that got roughed up is my counterpart, who works for Bob [Creamer].  
PV: And that was like, storyboarded? Him getting roughed up like that?  
FOVAL: We scenarioed it.  
PV: And so you, like leant yourselves to that situation and it happened. A self-fulfilling prophecy.  
FOVAL: We not only leant ourselves, we planted multiple people in that front area around him and in the back to make sure there wasn't just a action that happened up front, there was also a reaction that happened out back. So the cameras, when they saw it, saw double angles of stuff like, they saw what happened up front, and they saw the reaction of people out back.  
PV: That's fucking brilliant. That's brilliant.  
FOVAL: And then the reporters had people to talk to.
- viii. Foval also tells Project Veritas's undercover journalist that Republicans are less adept at such tactics because they obey

rules: "They have fewer guys willing to step out on the line for what they believe in. ... There is a level of adherence to rules on the other side that only when you're at the very highest level, do you get over."

- ix. In another video, Foval admits that his organization is responsible for an incident in Asheville, North Carolina in September, where an elderly woman was allegedly assaulted outside a Trump rally.
- x. In that incident, the 69-year-old woman, wearing an oxygen tank, heckled a visually impaired 73-year-old Trump supporter, then pursued him. She claimed he then punched her in the jaw, though she had no visible injury; his attorney claims she touched him on the shoulder first, and then fell to the ground as he turned around. The national media covered her claims widely, while largely ignoring his. Foval explains that the woman had been "trained" as a part of his operation.
- xi. Foval also explains how the operation is set up to allow the DNC and the Clinton campaign "plausible deniability" in the event that the true nature of the deliberate violence is discovered: "The thing that we have to watch is making sure there's a double-blind between the actual campaign and the actual DNC and what we're doing. There's a double-blind there, so that they can plausibly deny that they heard anything about it."
- xii. And Foval emphasizes that the goal of "bird-dogging" is to create a sense of "anarchy" around Trump: "The bird-dogging. The aggressive bird-dogging. What I call it is 'conflict engagement.' ... Conflict engagement in the lines at Trump rallies? We're starting anarchy. And he needs to understand that we're starting anarchy."

75. "Antifa", generally, is an ideology in the same way "White Supremacy" is an ideology, albeit with varying degrees of merit to their ideas. Around these ideologies, groups form.

- a. Plaintiff Wispelwey provides a useful summary on Antifa



Seth #StillWithKap Wispelwey  
@RevSethDub

"Antifa is not an organisation, but a decentralised, leaderless movement that opposes fascism & the far-right. Although most of its work is legal and non-violent, the movement is best known for occasional street fights with extremists." - @transform6789

[thebattleground.eu/articles/2019/...](http://thebattleground.eu/articles/2019/...)

9:40 PM · Aug 29, 2019 · Twitter Web App

i. 1 Retweet 3 Likes

- ii. Plaintiff Wispelwey felt compelled to inform United States Senator Ted Cruz that Antifa terrorism is okay when it is used to "make fascists afraid".



- b. To discuss the Antifa, they would more accurately be described as “adherents” than “members”.
  - i. To illustrate, Plaintiffs cannot file suit against “White Supremacy”, much to their dismay, and so instead, they have sued Defendants. Likewise, it does little good for Defendants to say “Antifa did it”, because ideologies do not assault lawful demonstrations, Antifa adherents do.
  - ii. Groups deemed “White Supremacist” by Plaintiffs (though Defendants may or may not beg to differ) include the likes of Vanguard America and the Traditionalist Worker Party (TWP).
  - iii. Groups self-identifying as Antifa include;
    - 1. “Showing Up for Racial Justice” or “SURJ”



2. Congregate Charlottesville
3. Solidarity Cville
4. Cville BLM (Black Lives Matter)
5. Philly Antifa
6. Seven Hills Antifa
7. Anti Racist Action (ARA)
8. The Torch Network

- iv. One can be a “member” of SURJ or TWP, and by this membership they may safely be assumed to be “adherents” of the respective groups’ ideology, but one need not a membership to be an ideological adherent.
- c. Antifa adherents are driven by a wholly legitimate fear that those whom they refer to as “Nazis” and “White Supremacists” will obtain political power if they are allowed to speak. To them, “White Supremacy” is the inevitable outcome of free speech.
  - i. Their definition of these otherwise hysterical terms varies from mainstream perceptions, which will be addressed in greater detail later. Briefly, three examples from Plaintiff Wispelwey are illustrative
    1. Everyone who voted for the current President of the United States is a “White Supremacist”, says the “Reverend”.



**Seth #StillWithKap Wispelwey**  
@RevSethDub

"Confession: I voted for Donald Trump. This means, by extension, I am a white supremacist."

He's certainly right about that at least.



**Pastor Juanita Rent-um** @seelolago · Nov 17

White Male Tears in their purest form  
[christianpost.com/voice/confessi...](http://christianpost.com/voice/confessi...)

2:10 AM · Nov 17, 2019 · Twitter for iPhone

4 Likes

2. The White Supremacist conspiracy runs so deep, that Barack Obama is in on it. Reality itself, is White Supremacy.



**Seth #StillWithKap Wispelwey** @RevSethDub · Nov 16

"Rooted in Reality" is status quo speak for "Our Intrinsic **White** Supremacist, Patriarchal, Militaristic, Consumer-Capitalist Oppressive System is Tolerable Enough." Obama Warns Democratic Candidates Not to Go Too Far Left: "Be Rooted in Reality"



Obama Warns Democratic Candidates Not to Go Too Far Left: "Be Rooted..."  
The former president said the American voter is not really interested in extremes.

[slate.com](http://slate.com)



1



1



2



3. Really, anything that makes White people comfortable is "White Supremacy"



Seth #StillWithKap Wispelwey  
@RevSethDub

White comfort, and therefore white supremacy, maintains so much equity thanks to the self-serving "grace" we give each other for being "well-meaning."

5:55 PM · Jun 21, 2019 · Twitter for iPhone

48 Retweets 105 Likes

- ii. They have a less legitimate fear that this political power will be used to carry out atrocities such as "The Holocaust".
- iii. In this, they vary from their supposed opponents only in the imagined outcome.
- d. The so-called "White Supremacists" also believe that if they can be heard, they will win the political debate. This is why they apply for permits, hold demonstrations, host podcasts, and write books. In doing so, the opponents of these Left wing groups hope to obtain political power through legitimate means. Ideas on what to do with that power are as diverse as European hair and eye colors, but strict immigration policies tend to gain more popularity than genocide. Talk of genocide only tends to reach a crescendo, when Left wing groups insist all of them must die for Right wing groups to live in peace by their own norms. Hence our preferred terminology "White Nationalist" or "Separatist".
- e. Less convinced of the virtues of immigration policy, but likewise convinced that "fascist" victory is the inevitable outcome of free speech, it is perhaps unsurprising that Antifa adherents perceive no legitimacy to legal, or moral, boundaries on the acts they take to prevent their political opponents from speaking.
  - i. Plaintiff Wispelwey again provides valuable insight. Breaking the law is just and righteous, as long as you agree with his political ideals.



**Seth #StillWithKap Wispelwey** @RevSethDub · Jun 17

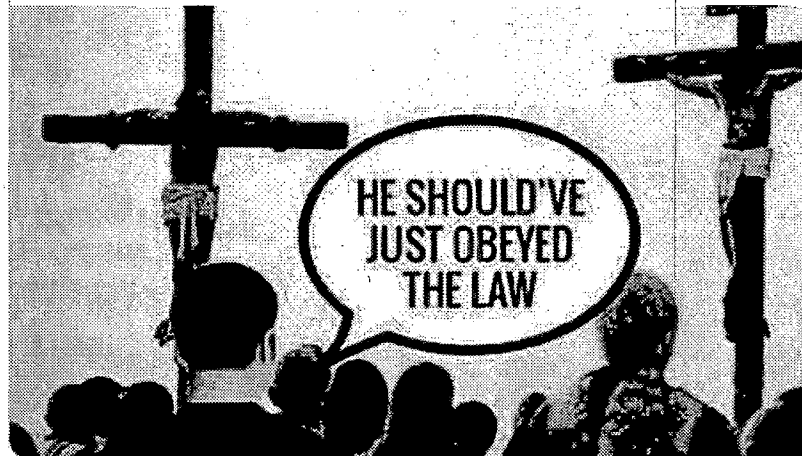
Friendly reminder that "illegal" and "Christian" can often overlap.



**Seth #StillWithKap Wispelwey** @RevSethDub · Jun 14

A friendly reminder to those calling ourselves Jesus followers that our country is running concentration camps for children and families seeking refuge.

Show this thread



ii.

f. Some passages from "Antifa: The Anti-Fascist Handbook" by Jewish author, Mark Bray, provide valuable insight.

i. FASCIST REVOLUTIONS HAVE NEVER SUCCEEDED.  
FASCISTS GAINED POWER LEGALLY.

First, some important facts: Mussolini's march on Rome was merely a spectacle legitimizing his prior invitation to form a government. Hitler's Beer Hall Putsch of 1923 failed miserably. His eventual accession to power came when President Hindenburg appointed him chancellor. The Enabling Act that granted him complete power was passed by parliament.

For militant anti-fascists, those historical facts have cast doubt on the liberal formula for opposing fascism. That formula essentially amounts to faith in reasoned debate to counteract fascist ideas, in the police to counteract fascist violence, and in the institutions of parliamentary government to counteract

fascist attempts to seize power. There is no doubt that sometimes this formula has worked. There is also no doubt that sometimes it has not.

Fascism and Nazism emerged as emotional, antirational appeals grounded in masculine promises of renewed national vigor. While political argumentation is always important in appealing to the potential popular base of fascism, its sharpness is blunted when confronted with ideologies that reject the terms of rational debate. Rationality did not stop the Fascists or the Nazis. While reason is always necessary, it is unfortunately insufficient on its own from an anti-fascist perspective.

**Thus, it's no surprise that history shows that parliamentary government is not always a barrier to fascism. To the contrary, on several occasions it has been more of a red carpet.**

- g. In contrast, Antifa groups view violence as their only means to political dominance, again quoting Bray.
  - i. In truth, **violence represents a small though vital sliver of anti-fascist activity.**

There are three main arguments that anti-fascists use to justify their occasional violence. First, as explained in Chapter 4, anti-fascists make a historical argument based on the accurate observation that “rational debate” and the institutions of government have failed to consistently halt the rise of fascism. Given that fact, they argue that **the only hope to prevent a sequel is to physically prevent any potential fascist advance.** Second, they point to the many successful examples of militant anti-fascism shutting down or severely hampering far-right organizing since the end of World War II. Third, fascist violence often necessitates self-defense—although **anti-fascists challenge conventional interpretations of self-defense** grounded in individualistic personal ethics **by legitimating offensive tactics** in order to forestall the potential need for literal self-defense down the line.

**In other words, anti-fascists don't wait for a fascist threat to become violent before acting to shut it down, physically if necessary.** As Murray from Baltimore ARA explained it,

*You fight them by writing letters and making phone calls so you don't have to fight them with fists. You **fight them with fists** so*

*you don't have to fight them with knives. You fight them with knives so you don't have to fight them with guns. You fight them with guns so you don't have to fight them with tanks.*

- h. Bray's writing is familiar to Plaintiffs' co-conspirator Emily Gorcenski, who described Bray's views as something that "describes well what we did in Cville."



Generic Soy Milk  
@EmilyGorcenski

This is an amazing article about the history of antifa and describes well what we did in Cville.



Analysis | Who are the antifa?  
President Trump equated them with white supremacists. Here's why he's wrong.  
[washingtonpost.com](https://www.washingtonpost.com)

8:31 PM · Aug 16, 2017 · Twitter for Android

51 Retweets 75 Likes



MKS Change @mkschange · Aug 17, 2017

Replying to @EmilyGorcenski

Thank you for sharing this. It shed new and important light for me.



i.

ii. Quoting from that article

1. **Militant anti-fascist or "antifa"** (pronounced ANtifa) is a radical pan-leftist politics of social revolution applied to fighting the far right. Its adherents are predominantly communists, socialists and anarchists who reject turning to the police or the state to halt the advance of white supremacy. Instead they advocate popular opposition to fascism as we witnessed in Charlottesville.

2. Antifascists argue that after the horrors of chattel slavery and the Holocaust, **physical violence against white supremacists is both ethically justifiable and strategically effective.** We should not, they argue, abstractly assess the ethical status of violence in the absence of the values and context behind it. Instead, they put forth an ethically consistent, historically informed argument for **fighting Nazis before it's too late.**
3. In retrospect, **antifascists have concluded, it would have been much easier to stop Mussolini back in 1919 when his first fascist nucleus had 100 men. Or to stamp out the far-right German Workers' Party, which had only 54 members when Hitler attended his first meeting,** before he transformed it into the National Socialist German Workers' Party (the Nazi Party). Though the regimes that inspired their original protests are long dead, antifascists have devoted themselves to treating small fascist and Nazi groups as if they could be the nucleus of a murderous movement or regime of the future.
4. The vast majority of anti-fascist organizing is nonviolent. But their willingness to physically defend themselves and others from white supremacist violence and **preemptively shut down fascist organizing efforts before they turn deadly distinguishes them from liberal anti-racists.**

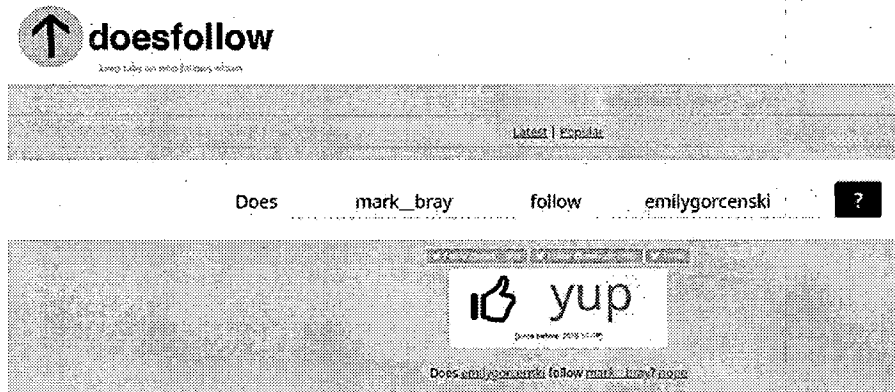
iii. Full text of the Washington Post article Exhibit51-WhoAreTheAntifa.pdf





iv.

v. Bray follows Gorcenski on Twitter



## Division of Labor in Plaintiffs' Conspiracy

76. With the notable exception of Defendant Fields, none of the Plaintiffs in this case can identify any of the Defendants as the direct cause of whatever malady they claim to be suffering from. Among the many reasons for this, is the fact that none of the Defendants attacked non-combatants in the fighting that took place.

77. The Plaintiffs in this case were chosen from hundreds of participants, who surely suffered worse injuries during that fighting, because these participants went to extraordinary lengths to make themselves appear sympathetic. This was done in deliberate preparation for exactly this process. The initiators of the violence are not party to this suit, but are known to Plaintiffs and their counsel.

78. The Plaintiffs are not nearly so innocent as they seem. Their flamboyant expressions of protected identities, their rainbows, their six pointed stars, were all part of a more fashionable "Black Bloc" tactic, wherein the Plaintiffs "bird dogged" Defendants, and provided cover to criminal anarchists, who readily identify themselves as Antifa.

79. Persons not party to this suit, and possibly other Plaintiffs in this suit, planned a premeditated assault on the Defendants, in coordination with Plaintiff Wispelwey. When the Defendants were left with no choice but to defend themselves, the Plaintiffs purposely placed themselves in harm's way. They then filed this suit, claiming to have suffered damages ranging from emotional distress, to strokes.

80. Plaintiff Wispelwey understood this tactic, and described it to Dahlia Lithwick for an article at Slate as "bodily solidarity" with "battalions of anti fascists".

- a. See Exhibit52-SethsBatallions.pdf
- b. Recall that Lithwick is a confidant of Plaintiffs' counsel Roberta Kaplan, as previously mentioned in Exhibit35-Glamour.pdf
- c. "On Saturday, **battalions of antifascist protesters** came together on my city's streets to **thwart** the tide of men carrying weapons, shields, and Trump lags and sporting MAGA hats and Hitler salutes and waving Nazi flags and the pro-slavery "stars and bars." Out of my faith calling, I feel led to pursue disciplined, nonviolent direct action and witness. I helped lead a group of clergy who were trained and committed to the same work: to hold space on the frontline of the park where the rally was to be held. And then some of us tried to take the steps to one of the entrances. God is not OK with white supremacy, and God is on the side of all those it tries to dehumanize. We feel a responsibility to visibly, **bodily show our solidarity** with the oppressed and marginalized."
- d. Wispelwey's effort was in clear violation of Virginia Code § 18.2-404. Obstructing free passage of others.
- e. "A phalanx of neo-Nazis shoved right through our human wall with 3-footwide wooden shields, screaming and spitting homophobic slurs and

obscenities at us. It was then that **antifa stepped in to thwart them. They have their tools to achieve their purposes, and they are not ones I will personally use, but let me stress that our purposes were the same: block this violent tide and do not let it take the pedestal.**"

- f. "The white supremacists did not blink at violently plowing right through clergy, all of us dressed in full clerical garb. **White supremacy is violence. I didn't see any racial justice protesters with weapons; as for antifa, anything they brought I would only categorize as community defense tools and nothing more.** Pretty much everyone I talk to agrees—including most clergy. **My strong stance is that the weapon is and was white supremacy,** and the white supremacists intentionally brought weapons to instigate violence."

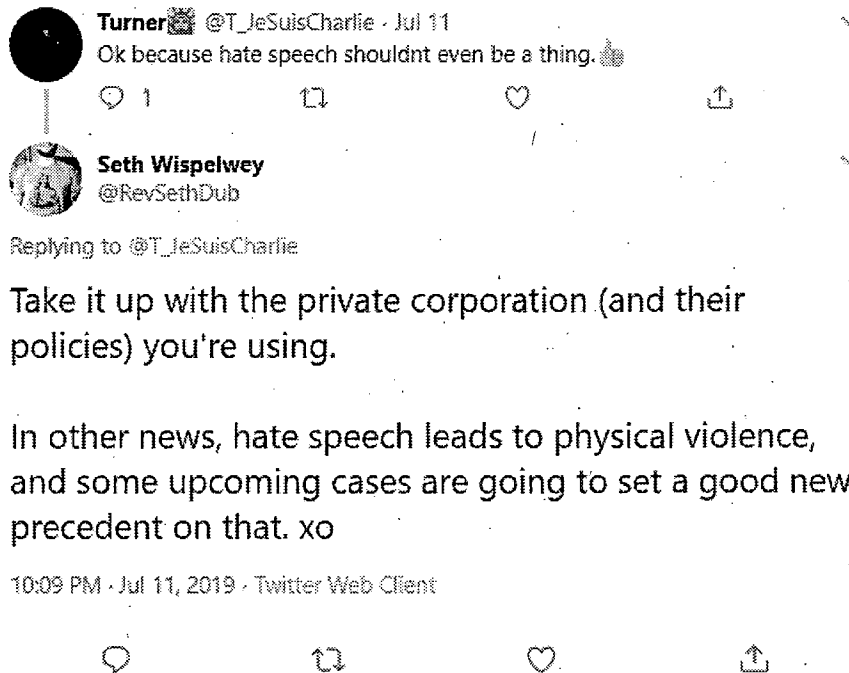
81. Wispelwey's confession is damning. The display of "clergy" who are "dressed in full clerical garb" illegally block the path of Defendants, in an attempt to "thwart" their permitted demonstration. Wispelwey saw "antifa" with their "community defense tools" which "are not the ones [he] will personally use" but stresses that their "purposes were the same".

- a. Notice the pattern. A seemingly sympathetic group puts on a flamboyant display, and then when his friends come in with weapons, he condones their assault.
- b. This is precisely the tactic discovered by Project Veritas in the hidden camera video from Democracy Partners, which Foval described as "bird dogging".
- c. One cannot claim to be "non-violent" simply by virtue of having others do violence on one's behalf. The moment Wispelwey accepted the martial aid of weapon wielding criminal anarchists, he ceased to be engaged in mere civil disobedience, and made himself party to a violent crime.

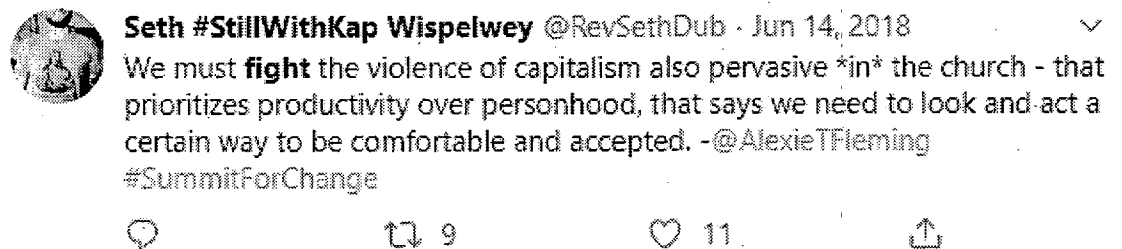
82. Wispelwey says "white supremacy is violence" and that his "strong stance is that the weapon is and was white supremacy". In this Plaintiff Wispelwey confesses that the ideological viewpoint is the target of his enmity, and not anything this Court would recognize as criminal behavior.

83. Wispelwey literally views words and thoughts as violence, and believes this "spiritual violence" warrants forcible "resistance". This stands in contrast to legal justifications of violence, but by adopting these terms as mere literary devices, Wispelwey and his co-conspirators are given a pass by the media while they brag about their crimes. Instead of admitting that they "attacked a permitted demonstration" they just say they are "fighting white supremacy".

a. Wispelwey expresses this view frequently



b.



c.



**Seth Wispelwey** @RevSethDub · Mar 14

There are way too many "well-meaning" progressive white folks who think confronting white supremacists is "violence." That we should "just ignore them" or we give them "what they want."

What they want is pain and death. We stop it by confronting and deplatforming it.

Jesus.



8



97



378



**Seth Wispelwey** @RevSethDub · Mar 14

White supremacy is terrorism.

Yes literally.



2



12



50



**Seth Wispelwey** @RevSethDub · Mar 14

Islamophobia is terrorism.

Yes literally.



1



2



38



**Seth Wispelwey** @RevSethDub · Mar 14

Cis-het Patriarchy is terrorism.

Yes literally.



1



2



35



**Seth Wispelwey** @RevSethDub · Mar 14

Lament. And confront.



1



23



**Seth Wispelwey** @RevSethDub · Mar 14

We know well that @Jack wasn't worried:

[twitter.com/matthewkeysliv...](https://twitter.com/matthewkeysliv...)

This Tweet is unavailable.



2



8



29



**Seth Wispelwey** @RevSethDub · Mar 14

Confronting these things means telling y/our white relatives whom you love that they need to turn off the spiritual violence & hate-mongering @FoxNews. Because you love them. I need to do this too. As a faith leader says, white sympathy will kill us all.

d.



**Christopher Mathias** @letsgomathias · Mar 14



**Seth Wispelwey** @RevSethDub · Mar 15

From my dear friend & comrade @brittanydare - "This is not a time for the marketplace of ideas. There are people who believe immigrant children are criminals. There are people [act like] queer folks are an abomination. People who consider every...brown person to be a threat."



1



1



6



**Seth Wispelwey** @RevSethDub · Mar 15

Continued: "These ideas are not worth debating. Logical conversations will not dissuade oppressors. Civility has never transformed the reality of the marginalized and it never will."

From her must-read piece:



Jesus Was a Threat to Civility

Civility has never transformed the reality of the marginalized and it never will.

[sojo.net](http://sojo.net)



1



1



7



**Seth Wispelwey** @RevSethDub · Mar 15

Pray with your feet.



1



2



10



**Seth Wispelwey** @RevSethDub · Mar 15

This. 🌳 🌳 🌳



**Korla Masters** @korlaporlapaz · Mar 15

White church, this is a particularly common way we participate in while supremacist violence. Resisting this urge is a major way we can help kill white supremacy. [twitter.com/WajahatAli/sta...](https://twitter.com/WajahatAli/status/1234567890)



1



3



3



e.



**Seth Wispelwey** @RevSethDub · Apr 26

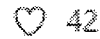
People are out here damning pastors & faith leaders for \*checks notes\* not being "nice" to the all-powerful folks who want to become The President of The United States of America. Y'all might want to double check which Bible you're reading, beloved.



1



6



42



**Seth Wispelwey** @RevSethDub · Apr 26

I like many of the candidates. Hell yes I'm going to vote & get out the vote. But USA's national religions are white supremacy, patriarchy, militarism, & consumer capitalism. The office presides over them.



3



1



16



**Seth Wispelwey**

@RevSethDub

Our collective liberation comes when we actively subvert, dismantle, & invert the violence in our national DNA w/ gospel specificity. I'm interested in POTUS candidates who hear & speak that need most clearly w/ policy & leadership. But we will always bang on the gates. #wwjd

10:28 AM · Apr 26, 2019 · Twitter for iPhone

2 Retweets 11 Likes



**Seth Wispelwey** @RevSethDub · Apr 26

Replying to @RevSethDub

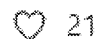
Jesus literally was & \*is\* the subversion & inversion of white supremacy, patriarchy, militarism, & consumer capitalism. Salvation/liberation/forgiveness is ours when we strive to carry the same cross. We won't get it right much of the time. But bear fruits worthy of repentance.



2



4



21



f.





**Seth Wispelwey** @RevSethDub · May 14  
Misogyny is terrorism.

#churchtoo.

1

14

36



g.



**Seth Wispelwey**  
@RevSethDub

Today in the ongoing violence of white supremacy in Charlottesville:  
Judge decides hurting the feelings of neo-Confederates costs the city money.



**molly conger, communist degenerate** @socialistdogmom · Oct 15

at today's surprisingly brief hearing, judge moore announced he has decided he WILL award damages to the plaintiffs who sued the city, forcing us to keep our confederate monuments, but it won't be the full requested amount and he needs more time to decide what the amount will be.

2:27 PM · Oct 15, 2019 · Twitter for iPhone

2 Retweets 6 Likes

h.



Seth Wispelwey  
@RevSethDub

"May we choose the way of discomfort, the way of resisting the status quo, the way of challenging respectability and the way of deconstructing false notions of peace." - @brittanydare



Jesus Was a Threat to Civility

Civility has never transformed the reality of the marginalized and it never will.  
[sojo.net](https://sojo.net)

8:14 AM · Apr 21, 2019 · Twitter for iPhone

10 Retweets 28 Likes

i.



**Seth Wispelwey** @RevSethDub · Sep 25, 2018  
Sorry Jen, but no.

Bottom barrel = everything @tedcruz enacts & supports personally & politically, incl. family separation, race-baiting, & anti-queer discrimination.

Citizens letting him know it is true form of patriotism, & part of our ostensibly storied national tradition. [twitter.com/JenHatmaker/st...](https://twitter.com/JenHatmaker/status/1044444444)

This Tweet is unavailable.

1

2

4



**Seth Wispelwey** @RevSethDub

We need new understanding & usage of term 'violence.' Cruz's public m.o. and platform are violent. They harm actual bodies. Protesting him w/ no physical harm threatened or done is not violent.

10:58 PM · Sep 25, 2018 · Twitter for iPhone

2 Retweets 2 Likes



**Seth Wispelwey** @RevSethDub · Sep 25, 2018  
Replying to @RevSethDub

Calling protests like that 'hysterical' with a plea for civility is something many here in #Charlottesville are intimately familiar w/ pre-Aug. 11-12, 2017. Protests that were prophetic & prescient.

3



1



**Seth Wispelwey** @RevSethDub · Sep 25, 2018

If we have an issue w/ others' tactics, we need to make damn sure we are organizing en masse (as Christians, e.g.) and/or showing up with bodily solidarity in our 'own' way. Though what I saw in that video was human, gospel specificity. And no lies.

1



1



**Seth Wispelwey** @RevSethDub · Sep 25, 2018

People are scared, angry, hurt, confused. By the policies of @tedcruz. Our call is pastoral and affirming of their response. And in times like these, the pastoral is prophetic.

1



j.



**Seth Wispelwey**  
@RevSethDub

I will block anything and anyone I see "both sides" this or lament a loss of "civility" or say all "violence" is still violence in Jesus name amen. xo



**Mary Ann Ahern** @MaryAnnAhernNBC · Jun 25

Hearing of incident at Aviary tonight, an employee allegedly spit on son of @realDonaldTrump who is visiting Chicago, offender now in US Secret Service custody

Show this thread

11:42 PM · Jun 25, 2019 · Twitter for iPhone

2 Retweets 6 Likes



**Livia KILL THE FASCISTS Scott** @LiviaLove · Jun 25

Replying to @RevSethDub

Where did he go? I'm getting a milkshake



**Seth Wispelwey** @RevSethDub · Jun 25

You're in luck because I'm sure Eric went to go get one himself for a drink right after 😊

k.



**Seth Wispelwey**  
@RevSethDub

Political violence is children \*dying\* in \*cages\* with our tax dollars.

Milkshakes, yelling in restaurants, deplatforming dehumanizers...these are tools of liberated & clear conscience.

Oil and ice cream.

9:52 AM · May 23, 2019 · Twitter for iPhone

14 Retweets · 44 Likes



**Seth Wispelwey** @RevSethDub · May 23

Replying to @RevSethDub

Civil disobedience reveals & condemns that which is truly, mortally uncivil. And asks us to pick sides. Demands it.

"Civility" is a fetish of the comfortably numb, taught to believe there's nothing we can do, in part because it's all still "working" for us.

Never again is now.



1



15



28



**Seth Wispelwey** @RevSethDub · May 23

Heading to the DQ is the least we can do.

Never again is now.



1



2



7



1.



**Seth Wispelwey** @RevSethDub · Jul 2

Replying to @RevSethDub

If you have the privilege of questioning the value of punching Nazis/fascists, save your breath & don't.

Lives are on the line, & yours clearly isn't.

Maybe speak up after embodying solidarity w/ those most targeted. Better yet, buy a milkshake.



**Caroline Orr** @RVAwonk · Jul 2

Both sides? Not quite.

-30+ years of antifa activity in the US: 1 fatality caused by someone linked to antifa.

-20 years of far-right extremist activity in the US (1990-2012): 670 fatalities, 3,053 injuries, & 4,420 violent attacks.

14/ [huffpost.com/entry/nazi-pun...](https://huffpost.com/entry/nazi-pun...)

Show this thread



3



23



105



m.



**Seth Wispelwey**

@RevSethDub

This is about white cis-hetero male power, control, & license to do violence.

In other words, USAmerica.

Protecting the sanctity of only our lives.

10:50 PM · May 14, 2019 · Twitter for iPhone

6 Retweets 19 Likes

n.



Seth Wispelwey  
@RevSethDub

The religion of nationalism is the way of violence.



The NFL is a Fundamentalist Church.

The NFL's fear—and fundamentalism is always rooted in fear—is that to question one "truth" is to start on a slippery slope that threatens the entire enterprise.

sojo.net

1:10 PM · Aug 7, 2019 · Twitter Web App

5 Likes

o.





**Seth Wispelwey** @RevSethDub · Jul 16

Replying to @RevSethDub

Fox News is a ubiquitous IV for mainlining racist, xenophobic, patriarchal, islamophobic white supremacy. A helluva drug. Be a community health worker w/ basic infectious disease training & cut your relatives' cable cord. They don't have to know it was you. When fixed, repeat.



1



8



15



**Seth Wispelwey** @RevSethDub · Jul 16

Take your MAGA-loving loved one out to Dairy Queen to discuss the current state of things. Order a milkshake. When they justify concentration camps, spill your milkshake on them. Jesus got you.



**Seth Wispelwey** @RevSethDub · May 23

"My milkshake drives all the fascists from the yard," -Jesus

Show this thread



1



7



16



p.



**Seth Wispelwey**

@RevSethDub

In related news, Beth Moore is still decidedly non-affirming of queer humans, which is spiritual violence that leads to physical violence.

11:53 PM · Jul 6, 2019 · Twitter for iPhone

2 Retweets 15 Likes

q.



**Seth Wispelwey** @RevSethDub · May 23

Early July 2017 deja vu all over, from 'stay away from Downtown' to 'gotta respect free speech' of violent racist terrorists' to 'this is not who we are as a city.'

Those who ignore the past are doomed to repeat it.

cc: Dayton City Hall

#confrontwhitesupremacy #amerikkkA



**Jane Coaston** @cjane87 · May 23

There is a Klan rally taking place in Dayton, OH on Saturday and the chances things go very wrong are... [high. jpost.com/Diaspora/KKK-a...](http://high.jpost.com/Diaspora/KKK-a...)

Show this thread

2

13

24



**Seth Wispelwey** @RevSethDub · May 23

For those keeping score at home, God is anti-racist, anti-fascist, and anti-KKK. The leaders of Dayton would do well to remember it, and prioritize the safety and dignity of those whom white supremacy & anti-semitism most targets & seeks to degrade.

1

3

12



**Seth Wispelwey**  
@RevSethDub

White supremacy is terrorism.

White supremacy is violence.

No platform for the KKK.

#solidaritywithDayton

2:12 PM · May 23, 2019 · Twitter for iPhone

r.

5 Retweets 18 Likes



**Seth Wispelwey**  
@RevSethDub

Replying to @davidmwright11

This priest is very popular and very homophobic. Homophobia kills. I'm not saying that was her reason for this, but "both sides" takes with structural violence and patriarchy don't hold water w/ these power imbalances.

11:29 PM · Jul 15, 2019 · Twitter for iPhone

26 Likes



**Seth Wispelwey** @RevSethDub · Jul 15

Replying to @RevSethDub and @davidmwright11

I'm not saying I condone shoving, but here's a thread:



**Seth Wispelwey** @RevSethDub · Jul 1

Mic check: [twitter.com/revsethdub/sta...](https://twitter.com/revsethdub/status/1151111111)

Show this thread



s.



**Seth Wispelwey**  
@RevSethDub

Replying to @RevSethDub and @RevBrubaker

So much violence, sexual & otherwise, stems from cis-hetero patriarchy...which of course is what Jesus explicitly subverted.

5:34 PM · Jul 20, 2019 · Twitter for iPhone

5 Likes

t.



**Seth Wispelwey** @RevSethDub · Apr 25

Nope. But you are. There is no sin. Love is the answer. Stop damning people for who they are.

4



2



**Stacey Thomas** @Whatapict · Apr 25

Aha. There we have your answer  
"There is no sin"

I will pray for your soul.

Have a good evening.

1



**Seth Wispelwey**

@RevSethDub

Replying to @Whatapict

Nice try. Queer folx are not sinning by being who they are. There is Sin. Like homophobia. It's spiritual violence that too often leads to the real thing.  
#nigelshelby

3:22 PM · Apr 25, 2019 · Twitter for iPhone

3 Likes

u.

84. Plaintiff Wispelwey formed Congregate Charlottesville for the explicit purpose of breaking the law on August 12<sup>th</sup> 2017.

- a. See Exhibit12-Heaphy.pdf Pages 72-73
- b. After the July 8 rally, the division within the Clergy Collective split. **Many of the members who had gone to Justice Park on that day thought CPD had planned to do nothing but "protect white supremacy" and lacked a basis to use tear gas. The image of police focusing exclusively on protecting the Klan and then acting aggressively toward counter-protesters angered many, and that memory informed preparations for August 12.**

- c. "Wispelwey told us that the Clergy Collective was too close to the City "establishment" and lacked transparency. He explained that Congregate Charlottesville's goal was to "equip faith leaders to show up on matters of justice." They put out a call for 1,000 clergy to attend the August 12 event. In the weeks leading up to August 12, Congregate organized a series of trainings for nonviolent direct action to anyone who was interested in participating. They brought in trainers from out of town, including Reverend Osagyefo Sekou. We learned that some trainings were attended by as many as 100 people, and **participants were repeatedly warned about the potential for significant violence on August 12. Members of Black Lives Matter and Standing Up for Racial Justice also attended the trainings.**
- d. Individuals who attended these trainings told us that their goal was to create "cognitive dissonance" and to **delay and obstruct the hate speech** that they expected. They wanted to be visible in the opposition to the right-wing groups and **make it harder for them to have a platform to express racism. In service of that mission, they were willing to break the law and expected to be arrested.**

85. Note the presence of "Showing Up For Racial Justice" at the "nonviolent direct action" training.

- a. "Showing Up For Racial Justice" or SURJ, is less than dedicated to the tactic of non-violence.

← Tweet



SURJ Charlottesville  
@SURJ\_Cville

Know a Nazi, see a Nazi, punch a Nazi.  
#FuckWhiteSupremacy



It's Going Down @IGD\_News · May 16, 2017

Meet the Neo-Nazis Who Organized the Klan Like Rally in #Charlottesville  
#Virginia itsgoingdown.org/meet-the-neo-n...

1:05 PM · May 16, 2017 · Twitter for iPhone

2 Likes



i.

- b. Emily Gorcenski also attended this training



Generic Soy Milk  
@EmilyGorcenski

A couple weeks before A12, I did NVDA training given by an expert. She warned us about this exact thing. That weekend, Police stops by while antifa and Patriot Prayer dukes it out on Portland's Waterfront Park.

The following weekend, Cville.

2:12 AM · Oct 20, 2018 · Twitter for iPhone

10 Retweets 37 Likes

i.

c. Gorcenski also lacks dedication to the cause of non-violence



Emily G, Cville.  
@EmilyGorcenski

Follow

Replying to @conordale

No one said everyone must punch Richard Spencer, but rather to support the few who are willing

6:30 PM · 21 Jan 2018

5 Likes



1



5



i.

86. Plaintiffs knew this was the plan before the events took place. As an element of their criminal conspiracy, they carefully staged events which were designed to evoke sympathy from the media, from the public, and from the justice system. For example:

- a. Paragraph 133 "Wispelwey, an ordained minister, co-created a membership-organization, "Congregate," to join interfaith clergy from around the country to "stand against white supremacy and bear witness to love and justice." Congregate's goal was to bring 1000 clergymembers to Charlottesville to stand up for equality and against hate."
- b. The frantic rush to move sacred texts from houses of worship, except for the most valuable one of course, that one could not be moved because it is too fragile (Paragraph 137).

- c. Bringing children to a 10:00pm off schedule religious ceremony, in proximity to Defendants' demonstration (Paragraph 179).



SURJ Charlottesville  
@SURJ\_Cville

Cville folks, if you have an illness, disability or need childcare & want to be involved w #blockkkparty, message us!

7:34 AM · Jul 8, 2017 · Twitter for iPhone

3 Retweets 7 Likes

d.

87. If Plaintiffs are to be taken at their word, which already ought to challenge the imagination, they were so afraid of Nazi violence, that they removed their religious texts for fear of their houses of worship being attacked. Yet, they seemingly had less concern for the safety of their own children, whom they brought to these same houses of worship at precisely the time they knew Defendants would be arriving across the street. This story is implausible on its face, and will lose any shred of credibility it clung to, in the following pages.
88. Not every "counter protester" was busy praying and caring for children that weekend. Some were intent on violence, and the Plaintiffs in this case knowingly provided cover for that criminal activity.
89. Plaintiffs acted as a "more fashionable black bloc" in that the Leftist rioters knew they would have an "optics" problem if they came in all black and roamed in window smashing packs. They made a strategic decision during the planning of their conspiracy of what to wear, so that they would blend in with ordinary folks, and use them as willing human shields.





**Lacy MacAuley**  
@lacymacauley

Replying to @socialistdogmom

There was no black bloc that day. Organizers suggested wearing a variety of colors.

I wore red that day.

5:35 PM · Apr 18, 2018 · Twitter for iPhone

1 Retweet 8 Likes



a.



**Antifa Trash Panda** @kittystryker · Sep 10, 2017

I don't doubt that different organizers feel differently, but like... also, POC in Cville directly thanked black bloc for saving them.



1



1



**Generic Soy Milk** @EmilyGorcenski · Sep 10, 2017

There was no black bloc in Cville.



1



**Antifa Trash Panda** @kittystryker · Sep 10, 2017

You're right, they thanked "antifa and anarchists" who are lumped in as the same as black bloc in the media but are not the same. Fair.



1



**Generic Soy Milk**  
@EmilyGorcenski

Replying to @kittystryker

I would know this b/c the decision to not black bloc and not mask was deliberate because it's is a felony in VA and we have 3 facing charges

6:04 PM · Sep 10, 2017 · Twitter Web Client



**Antifa Trash Panda** @kittystryker · Sep 10, 2017

Replying to @EmilyGorcenski

ok; there WERE a lot of people masked. I concede they did not black bloc.



b.




**Generic Soy Milk**   
@EmilyGorcenski

Gainesville choosing not to black bloc is good shit.  
Black bloc is a good tactic but Spencer \*relies\* on  
centrist and liberal sympathy.

9:59 PM · Oct 20, 2017 · Twitter for Android

12 Retweets 71 Likes



**Generic Soy Milk**   
@EmilyGorcenski · Oct 20, 2017

Replying to @EmilyGorcenski

I also saw damn good media screening to protect comrades.

1

1

30



**Generic Soy Milk**   
@EmilyGorcenski · Oct 20, 2017

That's good shit. Black bloc definitely has its place. And chad bloc has risks.  
But it has benefits, and Gainesville had perfect execution.

1

2

39



c.

## Plaintiffs' Co-Conspirators

90. To illustrate this point, we must look at the words and deeds of persons and groups, who are *conspicuously* not party to this suit.

### Emily Gorcenski

91. Emily Gorcenski, fka Edward Gorcenski, is a transgender Left wing anarchist extremist, and Charlottesville resident. Gorcenski self identifies as "Antifa".

92. It is impossible to understand the events in dispute, without an intimate familiarity with Gorcenski, as Gorcenski was central to the conspiracy, and through Gorcenski's self described role as "key media person", came to speak for other participants.

93. Gorcenski

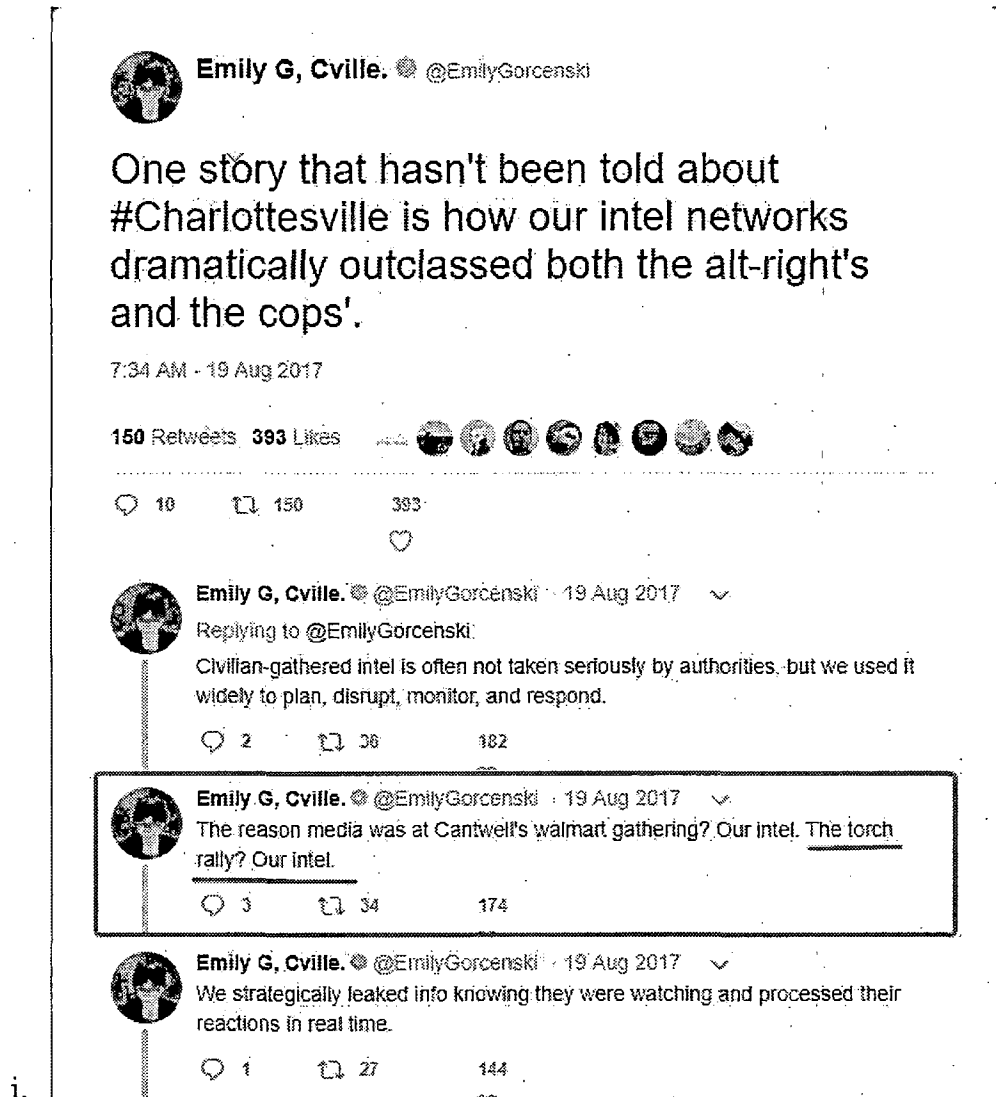
- a. Stockpiled weapons
- b. Brought a gun to the August 12<sup>th</sup> event, and drew the weapon from its holster
- c. Advocated violence in the weeks and months prior
- d. Organized "Antifa" activity in Charlottesville
- e. Gave and received training, including combat and weapons training, in the months leading up to Unite the Right
- f. Raised money for communist groups
- g. Traveled overseas
- h. Recruited and trained with foreign nationals
- i. Conducted intelligence and counterintelligence operations against Right wing groups, with the assistance of said foreign nationals
- j. Embedded spies within the Unite the Right group
- k. Lied to law enforcement
- l. Committed perjury
- m. Contradicted sworn testimony
- n. Made contradictory social media posts indicating criminal intent.
- o. Coordinated with media
- p. Provided information to Plaintiffs and Plaintiffs' counsel for this suit
- q. Intimidated witnesses.
- r. Destroyed evidence

94. Gorcenski is also vital to understand, because Plaintiffs and their counsel are intimately familiar with Gorcenski, and this familiarity adds weight to the case being made for sanctions.

- a. Plaintiffs will surely raise the objection "this isn't about Gorcenski", but to say this would be to abandon the very legal theory their case rests upon. To hold them accountable for Gorcenski's conspiracy makes

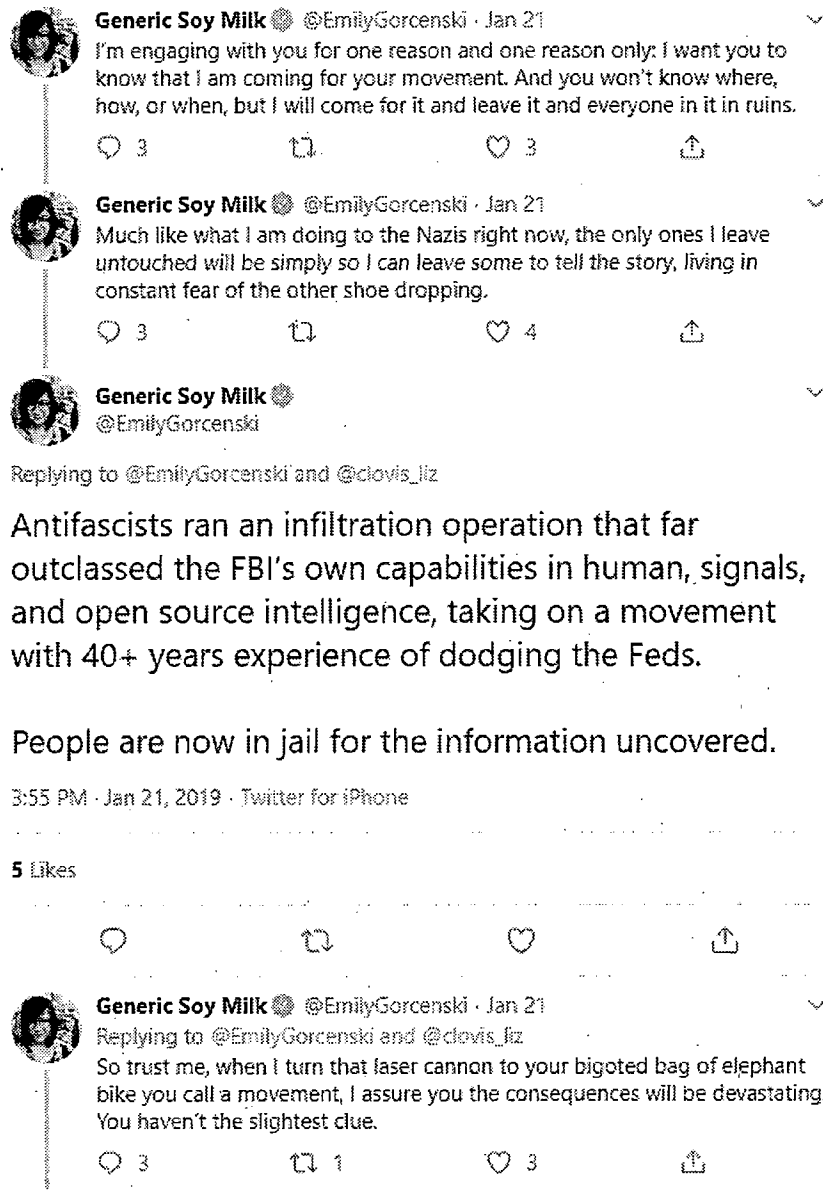
a great deal more sense than to hold Defendant Cantwell responsible for a car wreck by someone he never even heard of.

- b. Plaintiffs would never have known about the UVA torchlit march if not for Gorcenski's Antifa "intel networks", and if not for Gorcenski's role in the conspiracy, that fight would never have happened.



- c. Plaintiffs' complaint is replete with Discord posts from unnamed and pseudonymous "participants" and "co-conspirators" (See Exhibit 14- Unnamedandpseudonymous.pdf) which they claim as proof of a criminal conspiracy by Defendants.
- d. Gorcenski brags about "infiltrating" rally organizers communications, having a "mole" in with the group, and may be responsible, or connected to those responsible, for those posts.

- e. In the case of Gorcenski, we know exactly who said these things, that the person who said them was intimately involved with the events in dispute, and that Plaintiffs and their counsel continue to hold Gorcenski in high esteem to this day.



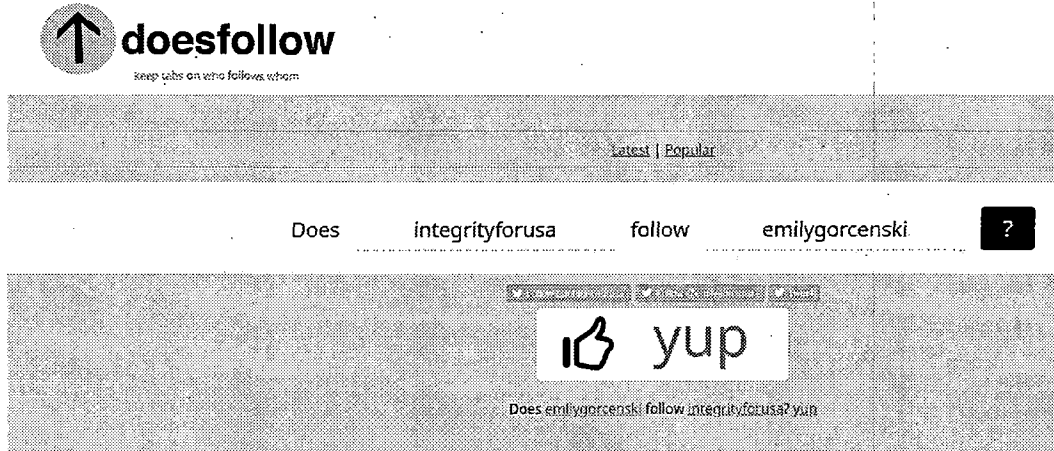
- i.
- f. This suit would never have been brought without Gorcenski, and many others whose names Plaintiffs would surely like to keep out of this. Today, Plaintiffs may wish they had not joined forces with violent criminals, but they had no problems with it on August 11<sup>th</sup> or 12<sup>th</sup>. The Plaintiffs chose to associate with Gorcenski before, during, and after the events in dispute. Plaintiffs did not report Gorcenski's illegal

activity to law enforcement. Plaintiffs have furthered Gorcenski's criminal conspiracy through this abuse of our Courts.

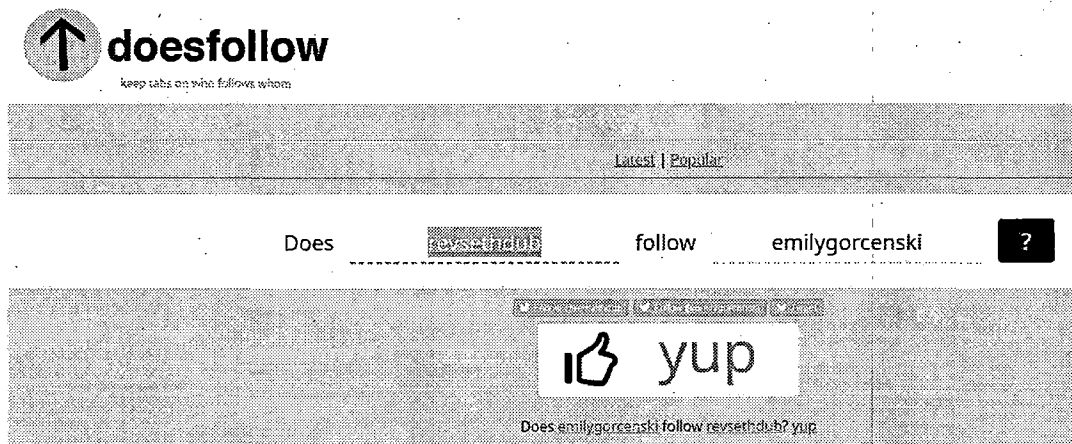
- g. Gorcenski is a criminal, who helped organize and perpetrate a violent "resistance" to Defendants' lawful demonstrations. That violent resistance ran parallel, and in indistinguishable proximity, to the "peaceful protests" so often talked about in this case. The fighting that ensued as a result of that violent resistance is at the heart of this matter. If not for Gorcenski, we would not be having this conversation.
- h. While this criminal's name is conspicuously absent from Plaintiffs' complaint, charges filed against Cantwell by Gorcenski are repeatedly mentioned.
- i. Those charges formed much of the basis for Judge Moon's denial of Cantwell's motion to dismiss. Quoting from Judge Moon's decision, *"While Defendant Cantwell may have been lower in the pecking order than either Kessler or Spencer, he is more closely tied to acts of overt violence in furtherance of the conspiracy than either of them."*
- j. If the charges stemming from those "overt acts of violence" had merit, Gorcenski would be party to this suit, and Cantwell would be in prison. Instead, Cantwell is a pro-se Defendant with an Internet connection, and Gorcenski signed a mutual release of all claims with Cantwell, to avoid liability for malicious prosecution. See Exhibit20-GorcenskiRelease.pdf
- k. Then, Gorcenski fled the country.
- l. Gorcenski's name was intentionally left out of the complaint, because Plaintiffs and their counsel are well aware that drawing attention to Gorcenski will destroy their case.
- m. Plaintiffs' counsel foolishly deviated from this strategy when they invoked Gorcenski in their motion to enjoin, by providing Gorcenski's unproven false allegations against Cantwell, to bolster their own false claims of unlawful threats.
- n. Plaintiffs have a budget in excess of \$10,000,000 which they have used to finance an investigation into this case. Plaintiffs' counsel have shown an intimate familiarity with Defendant Cantwell's social media posts and podcasts. This combined with their invocation of court filings from Cantwell's malicious prosecution suit against Gorcenski, renders it implausible that they are unfamiliar with the facts of that dispute.



- o. Plaintiffs' Counsel **Roberta Kaplan**, and their financier, Integrity First for America, both follow **Gorcenski** on Twitter.



- p. Plaintiff **Wispelwey** follows **Gorcenski** on Twitter, and **Gorcenski** follows back.



- q. Plaintiff **Sines** follows **Gorcenski** on Twitter, and **Gorcenski** follows back.